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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA JR., CAL EPA BUILDING
COASTAL HEARING ROOM
1001 I STREET, SECOND FLOOR
SACRAMENTO, CALIFORNIA

MONDAY, APRIL 7, 2003

9:33 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

BOARD MEMBERS PRESENT:

MICHAEL PAPARIAN, Chair

STEVEN R. JONES, Member

CHERYL PEACE, Member

CARL WASHINGTON, Member

STAFF PRESENT:

MARK LEARY, Executive Director

JULIE NAUMAN, Chief Deputy Director

KATHRYN TOBIAS, Chief Legal Counsel

DEBORAH MCKEE, Board Assistant

SUE KUMPULAINIEN, Committee Secretary

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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P R O C E E D I N G S

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COMMITTEE CHAIR PAPARIAN: This is a meeting of the Integrated Waste Management's Board Permitting and Enforcement Committee.

Mr. Washington will be joining us shortly, I understand he's on his way, but we'll go ahead and get started, and hopefully he'll get here by the time we get into the actual agenda items.

Just as a reminder, if you've got cell phones or pagers, if you could turn 'em on the vibrate mode or turn 'em off so that they don't bother us during this hearing, we would appreciate it.

There are speaker slips at the back of the room if you want to speak on any item, fill out a speaker slip and give it to Mrs. Kumpulainien here in the front of the room.

I understand our new sign-in procedure started this morning, I see everybody has their badges on. I guess if you're in the room you made it through the sign-in procedure. I understand it was a little more cumbersome today than hopefully it will be in the future. This is the first day we've had this new system where you have to wear the visitor's badges. So hopefully as that all gets worked out things will go

1 more smoothly in the future.

2 Let's start with a roll call.

3 COMMITTEE SECRETARY KUMPULAINIEN: Jones.

4 COMMITTEE MEMBER JONES: Here.

5 COMMITTEE SECRETARY KUMPULAINIEN: Peace.

6 COMMITTEE CHAIR PEACE: Here.

7 COMMITTEE SECRETARY KUMPULAINIEN: Washington?

8 (Not present.)

9 COMMITTEE SECRETARY KUMPULAINIEN: Paparian.

10 COMMITTEE CHAIR PAPARIAN: Here.

11 And do members have ex-partes? Mr. Jones?

12 COMMITTEE MEMBER JONES: Mark Aprea.

13 COMMITTEE CHAIR PAPARIAN: Ms. Peace.

14 COMMITTEE MEMBER PEACE: All my ex-partes are
15 up to date.

16 COMMITTEE CHAIR PAPARIAN: And my ex-partes are
17 up to date.

18 I have one additional housekeeping item to
19 start with. April is Emergency Drill Month here at the
20 California Environmental Protection Agency building.

21 There are random drills being held throughout
22 the month, random by floor that it affects.

23 In event of a drill this morning, again I have
24 no idea if there will be one or not, it's randomly
25 throughout the month. But if there's one that affects

1 this floor, we are to relocate to Cesar Chavez Park,
2 which is the park right across the street out the front
3 main doors, until we get the all clear to come back in.

4 Also as a reminder, this Wednesday, April 9th,
5 the Board will be hearing two agenda items, that will be
6 the full Board will be hearing those, one on the
7 proposed C&D regs phase one, and the other on the
8 revised permit for the Bradley Landfill. That hearing
9 will be starting at 1:30 on Wednesday.

10 So with that I'll turn it over to you, Mr.
11 Walker, for the Deputy Director's report.

12 MR. WALKER: Thank you. Scott Walker,
13 Permitting and Enforcement Division.

14 I have four items to report for the Deputy
15 Director report.

16 The first item is I'm happy to report that the
17 Office of Administrative Law has approved the Board's
18 compostable materials regulations, and also the waiver
19 of permit terms and conditions during temporary
20 emergencies. This is formerly known as the Pet policy
21 regulations.

22 Congratulations go to P&E division staff and
23 the legal office for a job well done.

24 We have had considerable success with
25 regulation packages, with four packages adopted by the

1 Board and approved by OAL over the last six months.
2 This is a tremendous success, even though it may not
3 look like it with C&D phase one and some other
4 controversy. But we are making a lot of good progress,
5 and we have a very, very competent staff, legal office
6 on these reg packages.

7 The second item to report is that planning is
8 ongoing for a May 8th workshop on permitting and process
9 issues. The workshop will give Board members and
10 stakeholders a thorough presentation of these processes,
11 and the opportunity to interact on policy issues.

12 We conducted similar workshops back in the
13 summer of 2000, and they were very well received.

14 The third item to report is on the progress on
15 the investigation followup of C&D and other wood waste
16 sites in light of the Crippin fire case.

17 Last month Mark Leary and I presented to the
18 Board the investigation strategy and the initial
19 results. We continue to make good progress. We hope to
20 have verification this week that a cease and desist
21 order has been issued by the LEA on the remaining high
22 priority cases for immediate action, and that is the
23 Bethen Court property in Imperial County.

24 In that case we may be bringing consideration
25 to the Board in May of a cleanup project pursuant to the

1 solid waste cleanup project, in anticipation that this
2 property owner is likely to be unable to clean this site
3 up.

4 In addition, although we have a ways to go,
5 there continues to be considerable progress in removal
6 of the Florin Perkins wood waste pile in accordance with
7 the cease and desist order issued by the LEA.

8 And finally, I would like to report on the
9 status of the Crippin site. The Board's emergency
10 cleanup project is completed, and staff continues to
11 assist local agencies in monitoring and control of the
12 residual waste that pose still a significant potential
13 risk due to fire. There's still, in the residual, a
14 large quantity of combustible material that did not
15 fully get consumed in the fire.

16 We did complete the characterization of this
17 residual waste. And fortunately it was not toxic or
18 hazardous, and can be managed as a non-hazardous solid
19 waste.

20 Staff are working with the various agencies
21 involved to facilitate a complete cleanup of the
22 residual waste. We may be ready to present such a
23 project for consideration by the Board pursuant to the
24 solid waste cleanup program in May.

25 That concludes the Deputy Director report.

1 COMMITTEE CHAIR PAPARIAN: Thank you, Mr.
2 Walker.

3 Any questions of Mr. Walker?

4 I'll just note that Mr. Washington has joined
5 us.

6 Welcome. Do you have any ex-parte?

7 COMMITTEE MEMBER WASHINGTON: No, Mr. Chair, I
8 do not.

9 COMMITTEE CHAIR PAPARIAN: Okay. You missed
10 our formalities, but we'll fill you in on those during
11 the break.

12 Why don't we go ahead and get started with item
13 B? Go ahead.

14 MR. WALKER: Item B is consideration of a
15 revised full solid waste facility permit disposal
16 facility for the Amador County Sanitary Landfill, Amador
17 County. This is April Board item one.

18 Just a couple comments before we hand it off to
19 staff. The committee and Board heard this permit in
20 February, and the timelines were waived until April
21 based on a number of issues. Primarily the issue was
22 the large wood waste pile at the site which has been
23 cleaned up and staff will report on that.

24 There -- we had addressed a number of the
25 comments which were Water Quality, Water Board issues at

1 the Board meeting in February also, and supplied some
2 additional information to Board member offices about
3 that.

4 One thing to point out is that because of the
5 anniversary date on the financial assurances, we're in
6 between those dates, and so staff will not be able to
7 make a final recommendation until the verification that
8 their financial assurances has been updated.

9 And my understanding is that the county, and
10 the county can report on this, the county will be taking
11 the Board action tomorrow, and so the deposit, we should
12 be able to verify that deposit between the committee
13 meeting and the Board meeting.

14 So with that I'll hand it off to Virginia
15 Rosales who will give the staff presentation.

16 MS. ROSALES: Good morning, Mr. Chair and
17 committee members. As Scott indicated, this is a
18 continued item, so I would just like to update the
19 status of the item, the wood waste pile, and a couple
20 new concerns that you may hear from the opposition, Mr.
21 Jerry Cassesi.

22 These issues that you may hear about today from
23 Mr. Cassesi were not raised at the February Board
24 meeting, therefore they were not addressed in Mr.
25 Schuler's written response to all his other concerns.

1 As Scott indicated, a copy of this
2 correspondence was provided to all Board members last
3 month.

4 I do not intend to cover what this permit will
5 allow unless it's your pleasure to do so, otherwise I'll
6 just jump into it.

7 Scott indicated also that the financial
8 assurance was previously found to be acceptable in
9 February, however their anniversary date for fund review
10 was March 30th.

11 There is a deposit of approximately \$81,000 due
12 to the closure, post closure maintenance fund at this
13 time. And I do have a copy of the County Board of
14 Supervisors' agenda where they will hear the item
15 tomorrow and make that approval for that deposit.

16 Therefore, staff anticipate that once that
17 financial assurance deposit has occurred, we could make
18 a recommendation of concurrence on the issuance of this
19 permit.

20 The wood waste pile has been chipped and
21 ground. The operator has worked diligently to reduce
22 the pile and address the concerns of the Board.

23 Presently there are two piles of chipped wood
24 on site, and it's estimated to be a total of 210 cubic
25 yards. Those piles are well separated from each other

1 and are, as I indicated, chipped and ground.

2 Additionally, there are some tree stumps that
3 remain there on site adjacent to the piles, and the
4 operator is working to find a means to rid those tree
5 stumps.

6 Board staff received a message from the
7 Regional Water Quality Control Board in mid-March
8 indicating that Mr. Cassesi had two new concerns after
9 he had a recent tour of the landfill.

10 According to Mr. Cassesi, there are two new
11 water tanks on site that are being used to hold water
12 for dust control, and he had some concern about the
13 water that was being held in those tanks.

14 Additionally, there's a gate in the back of the
15 landfill facility that opens to the adjacent firework
16 manufacturer plant that may be used inappropriately for
17 special entrance by the firework plant.

18 Board staff did a followup unannounced site
19 visit to the landfill on March 20th to view the wood
20 waste pile and look into the concerns of Mr. Cassesi.

21 The two tanks are associated with the water --
22 excuse me, the septage treatment plant and the surface
23 impoundment, and are not under the purview of this
24 Board. It is my understanding that these tanks hold a
25 liquid from the septage treatment plant and are taken to

1 a local water treatment facility.

2 The gate is something that was once used to
3 allow entry by the firework plant to bring their
4 non-hazardous waste to the adjacent separately permitted
5 transfer station. This practice has ceased and is no
6 longer in effect.

7 Finally, I'll just mention to you for your
8 information that the Regional Water Quality Control
9 Board is scheduled to hear the WDRs for this facility at
10 their April 24th, 25th Board meeting.

11 This concludes staff's presentation. If there
12 are any questions I'll be happy to answer them.

13 Also, Mr. Schuler representing the operator and
14 Sheryl Hawkins representing the LEA are present to
15 answer any questions you may have.

16 COMMITTEE CHAIR PAPARIAN: Any questions of
17 staff?

18 Mr. Washington.

19 COMMITTEE MEMBER WASHINGTON: The piles you
20 talked about, the tree stumps and the wood chips, in
21 terms of staff's understanding, Amador County is
22 expected to do what with those piles? Did any
23 discussion take place as to what's going to happen with
24 those piles?

25 MS. ROSALES: As part of this permit they would

1 be using those wood chips for ADC, and some of them have
2 been shipped off-site, and that's why the small
3 quantities still remains in the biomass facility.

4 COMMITTEE MEMBER WASHINGTON: So the wood
5 considerations that we had, the problem they had when
6 they came before us, all that is cleaned up?

7 MS. ROSALES: That's correct.

8 COMMITTEE MEMBER WASHINGTON: Okay.

9 COMMITTEE CHAIR PAPARIAN: Any other
10 questions? Okay.

11 I have two speaker slips, starting with Jerry
12 Cassesi.

13 MR. CASSESI: Thank you, Mr. Chairman. I
14 appreciate having a chance to speak again. I'll keep
15 this as brief as possible.

16 Last time I was here at this committee I made
17 reference to a tentative cease and desist order, so I
18 wanted to correct the record. It seemed like we were
19 told that you folks did not have a copy of that cease
20 and desist order, and I want to assure you, I went back
21 through the records and I found a cover letter where
22 your staff was sent a copy of that cease and desist
23 order. So you did, your staff has it. You might not
24 have it, but your staff has it.

25 Also, since the last time I was here Mr.

1 Schuler has sent your staff a memorandum in response to
2 my concerns item by item. Now a lot of those items I
3 understand now are concerns for Regional Water Quality
4 and I won't cover 'em here, but I'd like to just take a
5 few minutes to respond to some of those things he said.
6 I want to give you the other side of the story.

7 Mr. Schuler said that the county is very
8 sensitive to public input in the case of landfill
9 matters, and he goes on to say about the notices and how
10 people were noticed.

11 Well, I'm well within a mile of that landfill
12 and I was not even noticed about the meeting at The Oaks
13 when we had the meeting at The Oaks. Maybe he can
14 explain where these notices are being put.

15 I'm sure outside the Board of Supervisor's
16 meeting building on Argonaut Lane there's probably a
17 notice of Board of Supervisor's agenda, and I'm sure it
18 says on there landfill; but I would like to have someone
19 explain to me where the county has gone to any county
20 residence, other than The Oaks that one time, and said
21 we're thinking of selling and expanding this landfill,
22 and we're going to make it a regional landfill, can you
23 give us your input? I don't think you'll find that.

24 Second issue he said there was no, I said there
25 was no membrane and, on that phase one, and he agrees

1 with me. But what he says is all these containment
2 structures are in compliance with current Title 27.

3 We understand that, that's, he's making our
4 point. They went by all the regulations at the time, in
5 place at the time phase one was closed, and it resulted
6 in leachate escaping from that phase one. That was our,
7 that was our point, that's why we said that.

8 I said there was no operational plan. His
9 response was the operational plans are included in the
10 RDSI. But if you look at page two of that cease and
11 desist order, it says, and I'm going to quote, "The
12 class two surface impoundment is operating without the
13 required operations plan."

14 I don't know what Mr. Schuler is saying. Is he
15 saying they've always had an operations plan and the
16 Regional Water Quality is wrong, or is he saying they
17 have a plan now and that's been corrected?

18 Another item he referred to was when I made
19 reference to the surface cracks and gas escaping. His
20 response was surface cracks, gas escaping due to
21 settlement, due to settlement, cracking is a normal
22 characteristic of landfills. Our point exactly.

23 Here is a county agency that knows it's a
24 common thing. That plot is going to settle, normally
25 it's going to crack, gases are going to escape. And

1 what was their response to that? Years and years and
2 years of no maintenance, so they just let it happen.

3 And then when you get caught or when you get
4 cited years down the road, oh, well, okay, we'll do
5 something about it. Yeah, we know, it's just normally
6 part of cracking.

7 Another item he said was gas extraction not in
8 place, county is currently installing. Again, same
9 thing. It was a requirement initially, they never put
10 it in until they got caught. Now once they get caught,
11 now they're installing the gas extraction system. It
12 should have been in years ago.

13 By the way, I don't believe it's working even
14 yet. I don't believe that they've completed it yet.

15 Another reference I made using tarps, not being
16 sealed. He says that the tarps are purchased and
17 they're being used by the operator.

18 What he doesn't say is that until we started
19 complaining in the middle of April of '02, there was no
20 cover on the face of that landfill. I drive by that
21 landfill a minimum of twice a day, I will guarantee you
22 there was no cover on the face of that landfill. Ask
23 any resident in that area and they'll tell you the
24 flocks of seagulls are now gone. Well they're gone
25 because they're now using tarps to cover the face of the

1 landfill. And they are, they are doing it now. But for
2 years and years and years, the county failed to enforce
3 the regulation and it went on for years.

4 Again, once they get caught, they'll clean it
5 up. If they don't get caught, they won't clean it up.

6 I even made a mention that the city of Ione was
7 opposed to it and they had that on record of it. Mr.
8 Schuler's response was, "Without searching the records
9 we are not aware of a formal opposition to the landfill
10 by the city."

11 He doesn't say there isn't one, he says without
12 searching the records. Well I'm here to tell you I have
13 a copy of the letter that was done in '92, I've talked
14 to the city council since then, there was opposition in
15 '92, there's opposition now, and there's another letter
16 forthcoming.

17 I don't know how you cannot find that out when
18 all you need to do is pick up the telephone, call the
19 Ione city council members, say we're thinking of selling
20 the landfill, we're thinking of making it a regional
21 waste disposal landfill, what's your thoughts on that?
22 That's all I did. I went to the meeting, I said this is
23 what the county is planning, what's your thoughts? It's
24 easy to do.

25 He said there was a petition with over 209

1 signatures. Well actually I was in error, I'm being
2 told there was over 500 signatures, and that was just on
3 that one weekend at Wal-Mart.

4 And Mr. Schuler concluded by saying,

5 "The county is eager to provide
6 information regarding the landfill
7 operation and plans for its future
8 to interested parties."

9 But I'm here to tell you that in January 14th,
10 2003, the Board of Supervisors passed a motion to meet
11 in closed session regarding the sale of the landfill.
12 So that's effectively shutting us out.

13 Now they haven't, they didn't designate the
14 parcel number specifically on the agenda, and I don't
15 know who they're negotiating with for the sale of the
16 landfill, in fact, they'll tell you that the decision to
17 sell the landfill has not been made, but they're still
18 meeting in closed session. So we're effectively shut
19 out.

20 And then the last statement Mr. Schuler says
21 was, I'm going to quote,

22 "Because local residents fear
23 that an expanded landfill will
24 affect their property values, they
25 have raised a multitude of questions

1 concerning both the possible
2 expansion of the landfill and its
3 current quest."

4 And I'm here to tell you that is an absolute
5 untruth. I don't know where he got that information. I
6 was at the Board of Supervisors meeting in October 8th,
7 I had 26 issues, 26 issues, not one issue dealt with a
8 value of my house or anybody else's house. They were
9 all future costs to the county, future liability, or
10 health issues.

11 We did a handout when we were up at Wal-Mart, a
12 whole page of issues that are around the landfill, and
13 not one issue dealt with the cost of somebody's house or
14 somebody's house value going down. It was all health
15 issues.

16 It's like they're just ignoring all these
17 health hazards and saying these people are out there
18 complaining because they think the value of their house
19 might go down a few thousand dollars. That has
20 absolutely nothing to do with it.

21 I'm not saying it probably wouldn't happen, of
22 course, that's like saying there's going to be papers on
23 the street if you have a landfill in this area, of
24 course, it's a given, but that's not the major issue,
25 that's not what we're here in front of you about.

1 One last thing I want to go over. Sometime in
2 December, I believe, December of 2002 your staff did an
3 inspection on the landfill, and I believe they did
4 another inspection in February of '03. I've got a copy
5 of it, but I don't have it with me.

6 But the inspection in February of '03, they
7 have two pictures of the face of the landfill where
8 they're now using tarps, and I believe they said
9 something to the effect of they got there late, it was
10 closing down, so they really didn't get to inspect it
11 other than the place of the tarps, and they were in
12 compliance with the tarps.

13 Now on March 6th a group of us went to the
14 landfill and took a tour, and you heard some of what I'm
15 going to tell you now. You've had inspections there by
16 your staff. We took one tour and we found a gate that
17 was in existence for years. A private company had
18 access to that landfill without going through the main
19 gate for years.

20 And I was told by the county supervisor that
21 was arranged by a former county supervisor who's been
22 dead now three years, rest his soul. And it was done --
23 this is what the supervisor told me. It was done so
24 that the owner of the fireworks plant would not have to
25 pay an additional \$30,000 a year in insurance by putting

1 his vehicle on the road coming through the main gate.

2 To me that's a major, major issue. The county
3 has been doing that for years and this Board had no
4 knowledge of it. They're caught now, they're not using
5 the gate now. And again, oh well, you caught us, now we
6 won't do it any longer.

7 The last thing was the water from the, we saw
8 the tanks. What we were told during our tour, I have no
9 idea because we didn't trace the pipes out or look at
10 the pump, what we were told when we asked where that
11 water was coming from, what the tanks were for, they
12 used it to control the dust, the water comes from the
13 leachate pond. I'm just telling you what we were told.

14 I can't verify that because we didn't -- but if
15 that's the case, then we have some serious concerns
16 about it, and that's, I assume, for Regional Water
17 Quality and not for this Board.

18 But I just want to tell you, those are the
19 things we're faced with. We're trying to get our things
20 heard, and the Board of Supervisors is meeting in closed
21 session. We're trying to make sure things are taken
22 care of, and everytime we bring something up, oh, well,
23 it's been corrected, and that's not to say it didn't go
24 on for years and years and years and you folks were not
25 informed.

1 And to us, to us it is inconceivable that you
2 would renew a permit for an operation such as that, an
3 operation that would deliberately, deliberately and
4 knowingly not follow those regulations. All of those
5 violations they've had with just you folks, 161 in four
6 years, it's just mind boggling to us.

7 So we urge you and beg you, please do not allow
8 this operation to continue. Just based on their past
9 record, please stop it now.

10 Thank you very much.

11 COMMITTEE CHAIR PAPARIAN: Next I have Sylvia
12 Maxwell-Navarro.

13 MS. MAXWELL-NAVARRO: Thank you, Mr. Chairman
14 and members of the committee.

15 I would just like to say again that I am here
16 representing the people of this area that cannot be here
17 today because they're working. The people are concerned
18 about their livelihood, their children being faced with
19 this landfill, and possible expansion of the landfill
20 that would put it right behind our community.

21 We are here because we want to keep Amador
22 County the beautiful county it is, and there has to be a
23 better answer than what is going on. Our children play
24 in the midst of what might be coming up through the
25 ground, what might be going in the air. We don't want

1 our children to become sick, we don't want our adults to
2 become sick because we are not taking the right steps to
3 keep that from happening.

4 The people out in Amador County are hard
5 working people. Of course they're interested in their
6 property values, but they're more interested in what it
7 might do to the county and to their health.

8 Thank you for giving me the opportunity to
9 speak for the people.

10 COMMITTEE CHAIR PAPARIAN: Thank you.

11 Committee members, questions? Comments?

12 Mr. Washington.

13 COMMITTEE MEMBER WASHINGTON: Virginia, can you
14 come up to the mike? I have a couple of questions.

15 In terms of the financial responsibility that
16 you mentioned, you're asking us to approve a permit
17 before you know that you can meet --

18 MS. ROSALES: No, we're just letting you, we're
19 just updating you on what the status is. And once that
20 deposit has been made and it's been verified, then we
21 will ask you at Board meeting, make that recommendation
22 for concurrence at the Board meetings.

23 COMMITTEE MEMBER WASHINGTON: At the Board
24 meeting.

25 MS. ROSALES: So there is no request of the

1 Board at this time to take any action, it's just an
2 update on the item.

3 COMMITTEE CHAIR PAPARIAN: So your request is
4 that we move this to the Board without a recommendation
5 at this point until we get the information on the
6 financial assurance?

7 MR. DE BIE: Staff can't make a complete
8 recommendation at this time because we have that
9 outstanding issue. We do have information that it's
10 pending. As Virginia indicated that the Board of Sups
11 will be hearing it tomorrow and expect to make a
12 deposit, but it hasn't happened yet, so we can't make
13 the complete suite of recommendations at this time.

14 Certainly it's the, I believe the option of the
15 committee to forward it to the Board with, you know, a
16 statement saying if that last item is in place then the
17 committee would recommend concurrence, something to that
18 effect.

19 But certainly it's the option of the committee
20 to forward without a recommendation at this time.

21 This is Mark De Bie with Permitting and
22 Inspection.

23 COMMITTEE MEMBER WASHINGTON: Mark, in terms of
24 this, this money being Deposited. In this issue we put
25 it over an entire month. Why are we at a point to where

1 it, before it got to this committee we can't approve it
2 because they haven't deposited the money? Why haven't
3 they deposited the money before tomorrow?

4 MR. DE BIE: Let me step you through, part of
5 the process is when a proposed permit comes up, one of
6 the findings that is required is whether or not the site
7 is in compliance with the financial assurance
8 requirements. Our financial assurance group looks at
9 the mechanism in place and makes a finding at that time.

10 What is also occurring is this anniversary date
11 that once a year a deposit is due into that mechanism,
12 into that account. It's just happened that the timing
13 is that between the last time that this item was heard
14 and today, that anniversary date came up.

15 Certainly the county could have anticipated
16 that and made the deposit earlier than they are now, it
17 might have been scheduling issues that prevented them
18 from doing it, it might have been something that fell
19 through the crack. But they weren't required to make
20 that deposit until approximately this time. So they're
21 following the requirements in making that deposit, it's
22 just the timing with this permit is such that it won't
23 be done until tomorrow.

24 COMMITTEE MEMBER WASHINGTON: And I guess my
25 final comments would be that I'm not prepared to vote

1 for this today, and I certainly hope that the chair
2 would send it to the full Board so that the questions
3 that have been raised by the community and the public,
4 the folks who are affected by this, if some of those
5 questions can be answered by the county I would
6 certainly appreciate getting a response.

7 I believe we meet on Wednesday of the 9th, is
8 it the 9th?

9 COMMITTEE CHAIR PAPARIAN: This will come up on
10 Wednesday the 23rd.

11 COMMITTEE MEMBER WASHINGTON: Oh, okay, so we
12 have time, good. All right. And certainly Mr. Schuler,
13 anyone can come up and respond to some of the concerns
14 that they've raised, and if there's a way that we can
15 get some answers to a number of those concerns I would
16 certainly appreciate it.

17 You know, just in terms of responding to the
18 community, that's what we're here for is to make sure
19 that the public issues are raised and that we get as
20 much response as we can for them.

21 So I would like to get that. And I don't
22 believe that Amador County has a problem with trying to
23 address the concerns that the community has raised, and
24 I hope that there's some answers they can give to them
25 regarding those issues they've raised.

1 COMMITTEE CHAIR PAPARIAN: I'm sorry, are you
2 looking for those now or would you like to have some
3 time with that?

4 COMMITTEE MEMBER WASHINGTON: It's up to you,
5 Mr. Chair. I know that Amador County is here, and if
6 they want to respond to some of those they can, and if
7 we're not going to take it up for a vote they can give
8 it to me in writing as soon as possible. However you,
9 it is, I'll leave it up to you in terms of your judgment
10 in how to address it.

11 COMMITTEE CHAIR PAPARIAN: I'd suggest maybe, I
12 mean they've given us some stuff in writing, but I think
13 they may want to provide some more detail that they may
14 need to think about, and get some information on the
15 financial assurances. So you may want that between now
16 and the Board meeting.

17 COMMITTEE MEMBER WASHINGTON: Correct.

18 COMMITTEE CHAIR PAPARIAN: Mr. Jones, did you
19 have something on this? No, okay.

20 So Ms. Peace.

21 COMMITTEE MEMBER PEACE: You said the Water
22 Board will be hearing some concerns on April 25th?

23 MS. ROSALES: They're not concerns, they're
24 WDR's, they are waste discharge requirements, that's
25 what they'll be hearing the 23rd and 24th -- or 24th and

1 25th of April.

2 COMMITTEE CHAIR PAPARIAN: Okay. So then, just
3 to be clear on the process, we would be moving this to
4 the full Board without a recommendation, with the
5 anticipation that we would be getting some further
6 elaboration and response from the county on issues as
7 well as information on whether the financial assurance
8 issue was successfully completed. And then that would
9 come up on the, on Wednesday, March 23rd -- or
10 Wednesday, April 23rd rather.

11 COMMITTEE MEMBER JONES: Mr. Chair.

12 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

13 COMMITTEE MEMBER JONES: I have no problem with
14 that, but I would caution that the county answered the
15 questions that were raised.

16 The staff was prepared to concur with this
17 based on the, what is a very normal process of a
18 contribution to closure, post closure. It's a timing
19 issue. You don't pay your taxes in January if you've
20 got until April, you know, I mean you pay it on a
21 regular schedule.

22 Some of the concerns I heard with settlement at
23 the landfill, the closed area with cracks, that's a
24 normal ongoing thing at every landfill in the State of
25 California or anywhere in the world. As settlement

1 happens ground cracks, that's why you're always up there
2 maintaining that, that is part of the process and
3 there's not violations for that that I've seen, or if
4 there have been violations they've been corrected. And
5 it's the way the system works.

6 But I'm hoping that, it sounds to me like the
7 county gave responses and the citizens weren't satisfied
8 with the responses. So we're going to, I mean if, if
9 we're going to wait until the 23rd, which is fine with
10 me, I have no problem with that, I just hope that we
11 understand that there is a, you know, I've operated in
12 these communities and it's not always the easiest
13 situation based on a whole lot of things, but most of
14 them is that we've got an LEA that goes out and
15 inspects, that has written these people up plenty of
16 times, a lot of 'em for long term violations, a lot of
17 those types of things.

18 What I'm more concerned about is the fact that
19 some of the violations were maintenance things that
20 should have happened. They have a new operator now,
21 they have a whole new operator, it's not the same
22 operator of that site, that does make a difference. And
23 it's clearly made a difference at this site and, as we
24 had testimony I think a month or so ago.

25 So I have no problem with postponing it, but I

1 just hope that we, I want those citizens to get the
2 answer, but I just caution everybody that sometimes they
3 don't want to hear the answers and, you know, we have to
4 understand that, you know, and see you you on the 23rd.
5 But you know, we keep delaying it. It seems like we
6 delay everything, quite a few of these things.

7 So I would just caution.

8 COMMITTEE MEMBER WASHINGTON: Mr. Chair. It
9 has to be abundantly clear, and I'm certainly clear in
10 terms of what my responsibility is, and I want to make
11 sure that as long as we have community concerns raised
12 that we make every effort to try to -- and maybe we
13 can't answer all their concerns, certainly they should
14 feel that somebody is listening to 'em and hear the
15 concerns that they have.

16 This is probably the only public, sounds to me
17 from the way that they're being operated in their
18 community, that this is the only public venue that
19 they've had, really had a chance to try to air out some
20 of this stuff. They go to the Board of Supervisors,
21 they go in closed session, they stay in closed session
22 all day, people have to go home and take care of their
23 families and things.

24 So I just want to make sure, and I'm certainly
25 not here to try to keep any county landfills from

1 opening, closing, shutting, anything of that nature. I
2 want to make sure that we do everything we can to make
3 sure that the community, and that's what I'm here for,
4 the public, I'm a public member of this Board, to make
5 sure the public is getting its fair share of what's
6 taking place in their backyards.

7 We don't live in Amador County. We don't stay
8 where those landfills are being built. So it makes a
9 difference to me when people come to the committee, come
10 and say, hey, we need some answers to some of these
11 questions.

12 When I was asking Virginia about the chipped
13 wood, I know that they used those for the daily
14 covering, and I wasn't asking you that to be sarcastic
15 or to be funny, but because I've been to several
16 landfills and heard all the horror stories about what
17 people are doing with things, I'm starting to ask these
18 questions in public to make sure that our staff knows
19 what's going on and what different piles are used for.
20 It wasn't to be sarcastic or to be funny when I asked
21 her about, you know, what was the chipped wood to be
22 used for. And I saw some of the smirks on people's
23 faces and things of that nature.

24 But it's a serious answer for me because I've
25 heard too many horror stories. So as long as the

1 community raised concerns, I'm going to always have
2 questions as to how to help them get to where they need
3 to be.

4 This is a landfill that is in operation, and I
5 believe it has a post closure date on it, I believe
6 there's a date they supposed to close. But until we get
7 to that point how do we make sure their health and
8 safety is taken care of. And that's all I want to do is
9 make sure we get to that point and help 'em out.

10 MS. ROSALES: Mr. Washington, I'll just say
11 this for the record that the opposition here does have
12 the opportunity, again, to relay all the concerns at the
13 Regional Water Quality Control Board meeting that is
14 scheduled for April 24th and 25th. And I think some of
15 their concerns can be addressed there because it would
16 be under their purview.

17 COMMITTEE MEMBER WASHINGTON: All right. Thank
18 you.

19 MS. ROSALES: And just one last thing I'd like
20 to state for the record.

21 Mr. Cassesi indicated about staff's inspection
22 report, the followup. That was a complete inspection,
23 and it was done late in the day so there was no one
24 there on site other than one supervisor, as it was
25 unannounced. And staff did that purposely just to

1 ensure that that was the complete operations of the day,
2 and did find the site in compliance.

3 COMMITTEE CHAIR PAPARIAN: Okay. Thank you.
4 Anything more on this item?

5 Okay. We'll move on to the next item.

6 MR. WALKER: Item C has been pulled so we're
7 shifting into item D.

8 And item D is consideration of a revised full
9 solid waste facilities permit, disposal facility for the
10 Tajiguas Sanitary Landfill, Santa Barbara County. This
11 is April Board item 16.

12 And just a couple of comments before I hand it
13 off to staff. There have been a number of concerns
14 expressed from the public, primarily concerning water
15 quality issues. And notwithstanding that AB 1220
16 precludes the Waste Board from considering those water
17 quality issues and the concurrence with the permit,
18 staff have worked quite extensively with the LEA and
19 also the Regional Board to review all of these comments
20 and concerns, and to deliberate and to coordinate in
21 detail on these to ensure that they're addressed.

22 And staff will get into this in a little bit
23 more detail, and you'll certainly get the comments from
24 the, pro and con. But the Regional Board did have their
25 hearing on March 21st and did adopt waste discharge

1 requirements for this facility, so many of those issues
2 were addressed at that hearing.

3 But we continue to work with the Regional Board
4 and the LEA on this facility to ensure that it's, you
5 know, should the Board concur that, with the permit,
6 that we will continue to work with the Regional Board to
7 ensure that it's, all these issues are addressed as
8 they've been determined by the Regional Board.

9 So with that, I'll hand it off to Willy Jenkins
10 who will provide the staff presentation.

11 MR. JENKINS: Thank you. Good morning, members
12 of the committee.

13 The Tajiguas Sanitary Landfill is owned and
14 operated by the County of Santa Barbara Public Works
15 Department.

16 The landfill has been in operation since 1967,
17 and currently it takes waste from the city of Santa
18 Barbara, south coast of Santa Barbara County, Cuyama and
19 Santa Ynez Valleies.

20 The solid waste facility permit was last
21 revised on November 18th, 1999 for the currently ongoing
22 benchfill project. The proposed project would allow the
23 operator to provide the required fifteen year disposal
24 capacity.

25 The proposed permit will allow the following

1 changes:

2 Increase the permitted acres from 240 acres to
3 357 acres.

4 Increase the waste disposal acreage from 78 to
5 118 acres.

6 Increase the number of permitted vehicles per
7 day from 128 to 184.

8 Increase the permitted capacity from 15.1
9 million cubic yards to 23.3 million cubic yards.

10 Increase the permitted elevation from 500 feet
11 above mean sea level to 620 feet above mean sea level.

12 Change the hours of operation as noted on
13 agenda item 16 on page two.

14 And change the closure date from 2006 to 2020.

15 The proposed permit also includes the southeast
16 corner modification. A section of the landfill is
17 currently in the coastal zone. Within this section an
18 estimated 500,000 cubic yards of waste exceeds the
19 elevation limit of four hundred feet above MSL, and
20 720,000 -- an estimated 720,000 cubic yards of waste and
21 cover material will need to be relocated to the expanded
22 landfill.

23 I'd like to add some additional information
24 regarding the changes. First of all, regarding the
25 daily tonnage, the current permitted tons per day is

1 1,500. This is not changing.

2 Although the Foxen Canyon Landfill will be
3 closing within the next two years, the estimated 109
4 tons per day from Foxen Canyon will be, that will be
5 transferred to the Tajiguas Landfill has already been
6 factored into the 1,500 tons per day.

7 Currently Tajiguas average's 738 tons per day.

8 Regarding the vehicles per day. They're adding
9 an additional 56 vehicles per day. And again, the Foxen
10 Canyon closure will essentially divert an average of ten
11 truck trips per day to the facility, to Tajiguas, and
12 this also factors in future population growth.

13 The landfill will also be underoing a phased
14 expansion. The proposed expansion will occur in four
15 phases.

16 Phase one will be constructed over the existing
17 unlined landfill.

18 Phases two, three, and four will be constructed
19 over a liner or engineered alternative.

20 A portion of the vertical expansion will be
21 over the unlined portion of the landfill, this is
22 approximately 27 acres.

23 As a component of the phase one development,
24 there's going to be installed a preferential drainage
25 layer.

1 Currently the highest point of the top deck is
2 495 feet above mean sea level. Maximum permitted
3 elevation is 500 feet. With a proposed permit revision,
4 the top deck will be raised and graded to the north so
5 that you have drainage towards the lined area, the
6 future lined area of the landfill.

7 Two leachate collection pipes running north and
8 south will be installed. The collection pipes will then
9 direct leachate to a storage tank. This system will
10 remain in place until phase two.

11 Once a liner is in place, the pipes at the
12 north end will be disconnected and leachate will be
13 conveyed to the new lined area of phase two. The
14 leachate collection and the unlined area will then be
15 operated to start the new leachate collection system.

16 The Public Works Department would like to be
17 operating on the top deck later this year, and so they
18 hope to make the submittal of the preferential drainage
19 layer to the Regional Board within two months.

20 Staff finds the proposed permit is in conform
21 ants with county-wide siting element; is consistent with
22 state minimum standards; finds the financial assurances
23 and operating liability funding is adequate. Staff also
24 finds the final environment impact report is adequate.

25 The Santa Barbara County Board of Supervisors

1 adopted a statement of overriding considerations for the
2 project for impacts, these impacts that could not be
3 mitigated to less than significant for biological
4 resources, cultural resources, visual resources, and air
5 quality. Staff finds the statement meets the
6 requirements of CEQA.

7 The closure and post closure maintenance plan
8 is also consistent with state minimum standards.

9 In addition, the slope stability analysis for
10 the proposed expansion has been reviewed by staff.
11 Staff finds the slope stability is consistent with
12 acceptable engineering practices, and results of the
13 analysis meets the state minimum standards.

14 On March 21st, 2003, the Central Coast Regional
15 Water Quality Control Board adopted the proposed
16 Tajiguas Landfill waste discharge requirements;
17 therefore, accepting the slope stability analysis in its
18 present form. However, the Regional Board has initiated
19 independent analysis of the slope stability. The final
20 finding should be at, completed by the end of this week.
21 The Regional Board has indicated should it need to, it
22 will reevaluate the proposed plan expansion.

23 Staff did not find any environmental justice
24 issues. Staff did inquire if the county has conducted a
25 community outreach for the proposed project.

1 The Solid Waste Utilities Division provided the
2 community outreach chronology as identified in
3 attachment four in agenda item 16.

4 In conclusion, staff recommends the Board adopt
5 Resolution number 2003-229, concurring with the issuance
6 of solid waste facility permit number 42-8A-0015.

7 This concludes staff presentation. I can
8 answer any questions.

9 COMMITTEE CHAIR PAPARIAN: Any questions? I've
10 got a couple very quick ones.

11 You said that a portion of the expansion is
12 over an unlined section of landfill, and another portion
13 is going to be newly lined?

14 MR. JENKINS: Yes.

15 COMMITTEE CHAIR PAPARIAN: The portion that is
16 over the unlined portion, will there be a liner between
17 the new trash and the old trash, or will it be just a
18 strict vertical expansion.

19 MR. JENKINS: There will be no liner, just
20 vertical expansion, other than the leachate collection
21 pipes.

22 COMMITTEE CHAIR PAPARIAN: Okay. And then we
23 heard some concerns about some of the trash, I presume
24 in that area that had become somehow saturated with
25 water, groundwater or water from above. Do you know

1 anything about that?

2 MR. JENKINS: Yes, that's been mentioned, but I
3 can think of a couple different things that have been
4 mentioned. I would prefer that the county or the
5 opposition groups discuss that.

6 COMMITTEE CHAIR PAPARIAN: Okay. We'll wait.
7 Anything else for staff? Okay. Thank you.

8 I have quite a few witnesses on this item. I
9 think we'll start with the LEA, and we do have several
10 of the proponents and then several of the opponents.

11 So Lisa Sloan, Santa Barbara County LEA.

12 MS. SLOAN: Yes, good morning, Chairman
13 Paparian and members of the committee. I'm Lisa Sloan
14 from the Santa Barbara County Environmental Health
15 Services Division or EHS.

16 As a designated local enforcement agency for
17 solid waste issues in Santa Barbara County, EHS has been
18 involved with the process of the Tajiguas expansion
19 permits since the EIR scoping meetings began in April of
20 1998.

21 EHS, as the LEA, attended many of the numerous
22 public hearings regarding this project and observed a
23 very thorough public outreach program.

24 The LEA has found the application package to be
25 complete and correct in accordance with Title 27 of the

1 California Code of Regulations.

2 The LEA forwarded a proposed permit with a
3 finding that the permit was consistent with the final
4 EIR that was certified on August 13th of 2002. A notice
5 of availability of a proposed permit was mailed to
6 interested parties and stakeholders.

7 The LEA also made a finding that the design and
8 operation of the facility was consistent with state
9 minimum standards. This finding is supported by the
10 results of monthly inspections over the past five years
11 at the facility. Violations have been reported very
12 infrequently and have been promptly corrected. There
13 have been no complaints filed with the LEA since 1999.

14 The LEA has found the applicant to be very
15 proactive in maintaining compliance with state
16 standards, and to be responsive to suggestions for
17 improvements.

18 The LEA attended a Regional Water Quality
19 Control Board hearing on March 21st, 2003 in San Luis
20 Obispo. The waste discharge requirements for the
21 Tajiguas Landfill expansion were discussed, and members
22 of the public were present to raise a number of the
23 issues relating to water quality and seismic stability.

24 Nevertheless, the Water Board unanimously
25 approved the WDRs as recommended by staff. In a letter

1 dated March 28th, 2003, the Water Board stated that they
2 find no outstanding violations or enforcement actions
3 concerning the Tajiguas Landfill.

4 The LEA's available for questions. Thank you.

5 COMMITTEE CHAIR PAPARIAN: Any questions?

6 Thank you very much.

7 Supervisor Gail Marshall, County of Santa
8 Barbara.

9 MS. MARSHALL: Good morning, Chair Paparian and
10 Committee members. I am Gail Marshall, and I'm here
11 requesting a revised solid waste facilities permit for
12 our proposed expansion of the Tajiguas Landfill.

13 I'm a member of the Santa Barbara County Board
14 of Supervisors, and I, my district also contains the
15 Tajiguas Landfill. I'm accompanied today by county
16 staff and consultants.

17 I also co-chair the multijurisdictional solid
18 waste task group, which is a collection of elected
19 officials from all jurisdictions in a county. We formed
20 this group to create and coordinate regional solutions
21 for our community's solid waste. We are a proactive
22 group, and we are dedicated to seeking alternatives to
23 landfilling.

24 We have formed several subcommittees to cover
25 things like increasing our diversion rates for

1 construction and demolition, finding solutions for
2 biosolids and green waste, and certainly looking into
3 technological -- technology.

4 I am also fortunate to represent a district and
5 a county that is environmentally conscientious. We have
6 made continual progress in diversion. We do more than
7 bury trash. We are blessed with an environmentally
8 responsive community that has shown tremendous support
9 and participation. Our progress is due to community
10 involvement. For over fourteen years we have
11 aggressively diverted waste from our landfill and
12 increased the amount that we recycle, as you can see.
13 Can you see? I guess you can't see the slides.

14 For over four -- our diversion rate has
15 continually increased since the passage of AB 939. Our
16 diversion rates are based on 2000 numbers, are due to
17 massive community participation and support, and are
18 bolstered by innovative programs such as our electronic
19 waste collection day.

20 We have an effective diversion of electronic
21 waste that includes electronic waste collection days in
22 multiple locations across the county as well as daily
23 collection at our transfer station. Our most recent
24 E-waste day we collected hundreds of cathode ray tubes,
25 and thousands of radios, computers, and other electronic

1 appliances.

2 We have community education programs where we
3 fund classroom instruction, and have a special program
4 that we call art from scrap, and that's where art is
5 made from materials that are diverted from our landfill.

6 We have a coastal cleanup day. Our county
7 Department of Public Works is a proud coordinator for
8 California Coastal Cleanup Day for our region. We
9 coordinate with dozens of local interest groups and
10 hundreds of volunteers in an effort to keep our beaches
11 clean.

12 We have a hazardous household waste collection
13 program. We have an extensive hazardous waste
14 collection program that includes collections facilities
15 at our local University of California, with plans for an
16 additional facility in downtown Santa Barbara.

17 In acknowledging our achievements, the
18 California Environmental Protection Agency awarded us
19 the Hazardous Household Waste Program Excellence Award
20 for 2002.

21 We have additional programs as well. Our
22 county government manages a host of other organizations
23 and events that are dedicated to managing our waste and
24 promoting recycling.

25 Our community government, our county government

1 operates these programs because we reflect the high
2 standards and values held by the County Board of
3 Supervisors and our community that it serves.

4 I'm now going to introduce our Director of
5 Public Works, Phil Demery, who will describe the plans
6 to expand our landfill.

7 Thank you.

8 MR. DEMERY: Thank you, Mr. Chair, members of
9 the committee.

10 A little bit about the landfill. As you can
11 see in front of you, the onset picture is that of a
12 landfill, it's about 26 miles down the coast within a
13 westerly direction from Santa Barbara.

14 This shows topographic relief. The landfill is
15 located in a fairly small watershed known as Canada de
16 la Pila. The adjacent watershed is Arroyo Quemado. The
17 site of the landfill was selected because of its remote
18 location in the mid-1960's.

19 This shows a closeup of the landfill. The
20 landfill is 78 acres as outlined by the pink outline.
21 The expansion area, as mentioned in your staff report,
22 will be another forty additional acres. And in that
23 forty acres we would be landfilling for an additional
24 8.2 million cubic yards, and that's shown in the red.

25 To give you an idea what kind of outreach and

1 public participation we've had over the last four years,
2 as associated with the preparation of the environmental
3 impact report, we've had ten scoping hearings through
4 Cities of Santa Barbara, Goleta, Solvang, Buellton,
5 Lompoc, and Santa Maria. In addition, we've had several
6 public hearings throughout the county as well.

7 We've also had additional public participation
8 over the same period of time through our local task
9 force.

10 The Board of Supervisors themselves have
11 directed a focus group to talk about landfill solutions.

12 Also, the Board directed a formation of a
13 community advisory committee for a period of two years.

14 We also have been working through the
15 multijurisdictional solid waste task group, as
16 Supervisor Marshall had mentioned, which is elected
17 officials in each of our counties as well as the county
18 on solid waste issues and the Tajiguas Landfill.

19 In addition we've presented a number of
20 newsletters to hundreds of stakeholders in our
21 community.

22 We've produced and aired two informational
23 videos.

24 We also have run a series of hearings and
25 videos to publicize and inform people about the landfill

1 and other operations.

2 We've had a number of different interviews with
3 radio, television, and newspaper, all the different
4 media sources.

5 We've provided opinion editorials in each of
6 our newspapers and throughout the county. We've
7 collected polling data on our operations in getting
8 input from the community we serve, very important as a
9 local agency.

10 And we've provided landfill tours to any and
11 all people that would be interested in looking at the
12 site where their trash finally ends up.

13 What have we gained from all this outreach and
14 public participation effort? First of all, there's a
15 much greater understanding in our community about the
16 Tajiguas Landfill. And we saw that actually through our
17 polling results because over time, over a period of a
18 couple of years people knew a lot more about the
19 landfill, it was a good test.

20 Really important for us as a public agency or
21 any governmental agency is that it's generated very
22 important discussion for us related to the community
23 issues and concerns through these landfill operations.

24 And what's really important, I guess for us as
25 a local agency, is it certainly has given us a

1 considerable amount of support, broad range support for
2 our landfill.

3 And speaking of this support, we have support
4 letters, I'm sure you have many of these in front of you
5 at this time. We have support letters from Cities of
6 Buellton, Santa Maria, Santa Barbara, Solvang, Lompoc,
7 Santa Barbara Chamber of Commerce, Solvang Chamber of
8 Commerce, Santa Barbara Industrial Association, the
9 multijurisdictional task force that I mentioned earlier,
10 our solid waste task force, and from many individuals as
11 well.

12 Getting into the substance of what has been
13 analyzed as part of this expansion, we did prepare an
14 environmental impact report. And in this environmental
15 impact report prepared by Environmental Consultants we
16 found few impacts and no impact to water quality.

17 This document was reviewed by staff, the
18 Regional Water Quality Control Board, the LEA, your
19 Waste Board staff, and they all agreed with those EIR
20 findings.

21 The Board of Supervisors approved the landfill
22 expansion and the certification of the document. This
23 document was unchallenged, and, as such, we presume this
24 document is valid.

25 The Grand Jury studied our landfill operations

1 back in 1999, and they concluded that we've done an
2 excellent job keeping the landfill environmentally
3 safe. And it was also concluded the landfill was
4 neither visually nor environmentally polluting.

5 We're very proud of the fact that in the year
6 2001 we received an award from the Solid Waste
7 Association of North America, and they identified that
8 our landfill was the second best landfill operated in
9 the continent, very important for us, we're very proud
10 of that. We'd like to be first, we'll try to be first.

11 Regional Water Quality Control Board
12 conclusions at their hearing just a couple of weeks ago
13 concluded that the landfill, existing or expanded, is
14 not a threat to water quality, that the water quality
15 monitoring measures are adequate, the slopes are safe,
16 and the seismic analysis will be ongoing into the
17 future.

18 And we have a falconry program to abate our
19 seagulls at our landfill. And they felt this falconry
20 program is indeed successful and is keeping our adjacent
21 beaches clean.

22 Most importantly for us is we receive unanimous
23 approval by each of the Water Quality Control Board
24 members present for a waste discharge requirement.

25 At this time I'd like to conclude our

1 presentation. We have a number of members from our team
2 that are here. If there is time available we'd be happy
3 to answer questions raised as part of the public
4 comment. And unless you have any questions now, I'd be
5 happy to defer.

6 COMMITTEE CHAIR PAPARIAN: Any questions at
7 this point?

8 I think we may have some more questions after
9 all the presentations have been made. Do you have any
10 questions for the county? Thank you very much.

11 Next speaker is Dan Secord from the City of
12 Santa Barbara.

13 MR. SECORD: Good morning, Chair Paparian and
14 members of the Board. My name is Dan Secord, I'm the
15 Vice Mayor of Santa Barbara. I'm also the co-chair of
16 the Intergalactic Solid Waste Task Group that Supervisor
17 Marshall and I co-chaired.

18 We have supported this expansion project and we
19 hope that you will do so as well. I don't want to
20 belabor the obvious, but clearly every dwelling unit has
21 a bathroom and every region needs a landfill.

22 We're very proud of the landfill in Santa
23 Barbara. It's a well run landfill, it's award winning,
24 it's absolutely necessary, and the city of Santa Barbara
25 as well as the Solid Waste Task Group endorses the

1 expansion.

2 We simply need to do this. It is not, it is
3 not, in my view, a good idea to truck trash to other
4 people's backyards as is being done from time to time.
5 We believe fundamentally that we have a well run
6 landfill.

7 The city's demonstrating its commitment by
8 reducing its use of that landfill, which probably has
9 some financial repercussions to the county. Now the way
10 we're doing this is we're recycling and diverting
11 material. We're at 54 percent in the city now, we're
12 going to be at 60 percent in 2005, and we're going to be
13 at 70 percent percent in 2010.

14 We believe this is the proper way. We have a
15 good landfill, we're going to try not to put anything in
16 it.

17 We, I appreciate the staff recommendation, I
18 appreciate the staff report, and I hope you'll support
19 the landfill. Thank you very much for your time.

20 Any questions?

21 COMMITTEE CHAIR PAPARIAN: Any questions?

22 Thank you very much.

23 MR. SECORD: Thank you.

24 COMMITTEE CHAIR PAPARIAN: Okay. Next I have
25 Hillary Hauser from Heal the Ocean.

1 MS. HAUSER: Good morning, Chairman Paparian
2 and members of the Board. I'm Hillary Hauser, the
3 Executive Director of Heal the Ocean in Santa Barbara.
4 We are a big environmental citizens action group nearing
5 3,000 members. And I'm here to represent them and their
6 outrage about the Tajiguas Landfill.

7 And I appreciate, I'd like to thank Mr.
8 Washington for his comments about listening to the
9 public. Very often, even though we are a big
10 organization and well funded, we can, we are a few
11 voices against a whole room of county and city officials
12 here.

13 I would, with all due respect to Supervisor
14 Marshall and to the previous comment, in the diversion,
15 she is correct about Santa Barbara being an
16 environmentally conscious community, because we are. We
17 do have concern about the saturation of the trash which
18 I'd like to address, and with the way the landfill is
19 carried, it's owned by the county, it's run by the
20 county, it's monitored by the county, so it's very
21 difficult for us sometimes to punch through this.

22 But we hired the hydrogeologists that made this
23 cross-section that you're looking at here. That blue
24 line represents the groundwater, the yellow is the
25 mass. This cross-section has been corrected, the trash

1 mass doesn't go exactly in that shape that deep, but
2 this is the basic problem. That blue line across is the
3 groundwater that infiltrates the trash. So, and this is
4 the unlined part of the Tajiguas Landfill.

5 So Heal the Ocean, we've provided, this
6 information came from the county's own EIR. It was so
7 buried in their documents, but our hydrogeologist pulled
8 out their own information, this is from the county's own
9 documents of the EIR of the nature of the trash in the
10 water, I mean the water in the trash.

11 So understanding that the Regional Board, this
12 is their province to decide about this, the truth is
13 that the Regional Board has given the permit, but with
14 the proviso that the monitoring program be looked at,
15 which will be looked at in November.

16 Our hydrogeologist told the Regional Board
17 there were enough monitoring wells in the landfill that
18 would be satisfactory for a gas station, and that it
19 needed at least ten to twelve more monitoring wells,
20 which the Regional Board invited our hydrogeologist to
21 submit a plan for where those wells should go because
22 without those wells you can't tell where that leachate
23 is going through the groundwater, it is in contact with
24 the groundwater, and where it can possibly be migrating
25 off-site. So that's still being looked at.

1 Also, the Putah Creek that runs through the
2 landfill, through the unlined part, we're talking with
3 Regional Board staff about a monitoring program for
4 that.

5 So this Tajiguas Landfill, as I mentioned
6 before, I know that this is a Regional Water Quality
7 Control Board issue, but these are the issues that we
8 have been raising.

9 The, Heal the Ocean got its start because the
10 citizens of Santa Barbara, as Ms. Marshall mentioned,
11 are environmentally conscious, we are outraged. We've
12 got the most polluted beaches in Southern California.
13 Arroyo Quemado beach in front of the landfill is an area
14 that some of our members, in fact that all of the
15 residents of Arroyo Quemado, which is the houses that
16 are on the beach there near the landfill, are
17 particularly concerned about seismic issues which you'll
18 be hearing today.

19 So we're working with the Regional Board on, to
20 see if we can get monitoring wells to see if they do
21 have an adequate engineered alternative that is by law
22 required when you have groundwater in the trash.

23 So in the meantime, and I'm about ready to wrap
24 up here, in the meantime Heal the Ocean is a Gaviota
25 Coast conservancy which is where the Tajiguas Landfill

1 is.

2 We have taken a close look at seismic issues
3 and we did hire a seismic expert who is here today, Pat
4 Shires is here from Los Gatos. Because when we looked
5 into those issues as well as the saturated trash issue,
6 we learned that the seismic figuring was inadequate, you
7 know, the effect on, you know, slope stability.

8 Heal the Ocean appeared before your Board, the
9 Integrated Waste Management Board when a benchfill was
10 discussed in 1999, we were concerned about it then
11 because of the unlined nature of this landfill.

12 So the reason we're concerned about seismic
13 issues is because if the whole thing goes there goes the
14 pipes, the wells, the interceptor trench, and all this
15 stuff. And across Highway 101 and, you know, close that
16 down, plus the people of the Arroyo Quemado are
17 concerned about that, the liners, the trench, and so
18 forth.

19 So we at Heal the Ocean, we are representing
20 the people of Santa Barbara that are really concerned
21 about our beaches, the use of our coastline, the
22 leaching, the leachate, and the unknown where it's going
23 to leach, really are appealing to this staff to take a
24 very, very careful look before any expansion is
25 permitted to see if we're in the right place anyway.

1 We, in all deference to Dr. Secord from the
2 city council, the, about we must keep the trash in our
3 own backward yard, I mean yes, in an ideal world that
4 would be true but, you know, rail haul, long haul, you
5 know, Santa Barbara, I mean, you know, L.A. is getting
6 into it. Getting the trash, I mean it's not a good
7 thing to have landfills, but we need to get the trash in
8 an environmentally sane place.

9 And to expand on top of a situation like this
10 with, and our seismic expert, Pat Shires, is here to
11 explain what's wrong seismically with this. And to put
12 more on top of what's going on here is something that
13 really needs to be considered.

14 And we really are asking you to recommend that
15 this not happen. So Pat Shires will speak on this and
16 then our lawyer Vicki Clark.

17 Thank you very much.

18 COMMITTEE CHAIR PAPARIAN: Thank you. Mr.
19 Shires.

20 MR. SHIRES: Yes. My name is Pat Shires, and
21 I'm a principal geotechnical engineer with Cotton,
22 Shires and Associates. I have over 31 years of
23 experience in professional engineering and slope
24 stability analyses and seismic analyses. And I have a
25 Masters of Science degree from Stanford University in

1 civil engineering. And I'm here to talk about the
2 seismic design of the landfill at Tajiguas.

3 And one of the things that's concerned us in
4 reviewing this, we often do peer review for counties and
5 city governments. And the first thing we were concerned
6 about was this, the seismic acceleration levels used for
7 the slope stability analyses.

8 And the code that governs the landfill design
9 is the California Code of Regulations, Title 27. And
10 this is a map of the area where, of the Tajiguas
11 Landfill.

12 And what Title 27 says is that the postulated
13 magnitude of the magnitude of the maximum probable
14 earthquake is superceded by any more powerful seismic
15 events that have occurred within historic time within a
16 62 mile or one hundred kilometer radius of the facility.

17 And what we found is that if you look back at
18 the seismic history of this area, and you go out 62
19 miles from this landfill, you're going to find that in
20 1812 there was a magnitude 7, 7.2 earthquake. In 1925
21 there was a magnitude 6.3. And in 1927 there was a
22 magnitude 7.0 to 7.5, again depending on your reference.

23 So there's been at least three earthquakes that
24 have been very powerful in this area within historic
25 time that have to be taken into account if you're going

1 to abide by Title 27.

2 In Title 27 they recommend what is called the
3 deterministic seismic analysis. And there's something
4 else out there that is used quite often which is called
5 the probablistic seismic analysis.

6 And under the deterministic analysis, what
7 Santa Barbara County's consultants did was they took a
8 magnitude 5.5 earthquake on the Santa Ynez fault, which
9 is four miles from the Tajiguas Landfill. That resulted
10 in an acceleration level of only .24 G.

11 If you go to the Title 27 requirements and you
12 assume you have a magnitude 7.2 which is a historic
13 earthquake that has occurred in the past, and you put it
14 on the north channel slope fault which is seven miles
15 from the landfill, we think that's a bigger fault more
16 capable of this size of an earthquake even though it's
17 farther away, you get an acceleration level of .65 to
18 .69 G. Over three times possibly higher than the ones
19 their consultants came up with.

20 Now everybody says the probablistic analysis is
21 more appropriate today. Well I kind of agree with that,
22 it's more standard, state-of-the-art anyway, if not the
23 standard of care that's being used today for seismic
24 analyses. So that Title 27 code is probably a little
25 old.

1 But if you're going to use probablistic
2 analysis and throw out Title 27, then you better start
3 looking at what kind of return period is going to be
4 expected for this earthquake that could occur.

5 And since it isn't in Title 27 specifically for
6 probablistic analysis, let's look where is specific for
7 probablistic, and that would be the Uniform Building
8 Code 1997 is the adopted one in most areas. And that
9 requires a ten percent probability exceedance in fifty
10 years, if you're going to do a probablistic seismic
11 analysis. And what you come up with that is 0.63 G.

12 Let's try another recommendation. CDMG,
13 California Division of Mines and Geology, special
14 publication 117. And they have these guidelines they
15 publish for evaluating and mitigating seismic hazards in
16 California. They also say ten percent probability of
17 exceedance in fifty years, .63 G.

18 What about the Feds? What's the Federal
19 requirements for landfill? In their 40 CFR, chapter 1,
20 part 258, they require a ten percent probability of
21 exceedance in 250 years. If you did that at this site
22 you'd end up with a magni -- an acceleration level of
23 over one G, 1.7 G.

24 And the only probablistic analysis that we've
25 seen that has been done for this landfill specifically

1 as a probablistic analysis was one that was done by
2 Hushmand and Associates where they came up with .21 G.
3 Again, way lower than any other government agency would
4 require if you're going to do a probablistic analysis.

5 This is the area. You can see it's riddled
6 with faults. And there is the landfill. There's the
7 three epicenters that have occurred in the past at
8 higher acceleration levels.

9 And this is a program that's used to evaluate,
10 that we used to come up with our numbers and the faults
11 that are considered in that program.

12 So my conclusion, I would say, is that at least
13 you ought to take into account the historic earthquakes
14 that have occurred there if you're going to do a
15 probablistic analysis, just use a reasonable return
16 period, and I think the analysis should be redone based
17 on that information.

18 Any questions?

19 COMMITTEE CHAIR PAPARIAN: Any questions?
20 Okay. My question actually is for our staff. I'm, the
21 issues raised here, if there were an issue related to
22 what's been presented, relating to the probability of an
23 earthquake and its effect on the stability of a
24 landfill, would that be an issue within our jurisdiction
25 or within the Water Board's jurisdiction? That might be

1 an issue for counsel as well.

2 MR. WALKER: Let me take a quick crack at
3 that. With 1220, AB 1220, the majority of our
4 standards, well actually our standards related to water
5 quality issues shifted over to the Water Board, and that
6 included the majority of our standards related to slope
7 stability and seismic design standards.

8 But we did retain a standard in our closure,
9 which is Section 21145, slope stability. But it's a
10 broad performance standard, and what it does is it
11 points to the Water Board standards for the prescriptive
12 requirements.

13 And so what we do in terms of implementation of
14 that standard is normally when we look at a project and
15 a closure time as part of a permit package, we focus on
16 the status of what's been done to support the stability
17 analysis, and what is the oversight of the Regional
18 Board here, and have they exerted their oversight,
19 reviewed, approved. And is that, does it make sense?
20 Is it reasonable? But primarily looking at the Water
21 Board to see if they've implemented their lead role in
22 slope stability.

23 So in this particular case the Water Board did
24 that quite extensively. And we've reviewed that and we
25 don't see an issue, at least from our staff standpoint

1 in this standard.

2 Clearly the Water Board is extensively involved
3 in this and had quite a bit of work related to this.
4 Now there might be a case that comes up where, if they
5 have a permit before the Board that might not have been
6 done, and we would take more of a direct role in it.

7 But in this particular case it's pretty clear
8 that they meet our standards related to slope stability,
9 and so that's why we've determined that the slope levels
10 are consistent with state minimum standards.

11 The other thing to keep in mind too is that the
12 way the Water Board normally works on this too is in the
13 waste discharge requirements there's a conceptual design
14 that is supported with a slope stability analysis. But
15 in the WDRs, the waste discharge requirements, there is
16 a requirement to submit final plans and specifications
17 when they're ready to go to construction. That's
18 reviewed at a staff level, and the slope stability is
19 redone in a more detailed fashion that specifically ties
20 with the final details of the design.

21 And so that's another area where, in the Water
22 Board, they'll continue to look at it. And our
23 understanding of the Water Board, they're going to
24 continue to work with, they've got a peer review, a
25 third party consultant that will continue to be

1 involved, and we will also continue to work with the
2 Regional Board and the LEA on that.

3 So that pretty much sums up our standard and
4 how we look and how we implement our standard, and also
5 how we see it from this particular permit consideration.

6 COMMITTEE CHAIR PAPARIAN: Your very last part.
7 They're conducting some continuing review of this
8 specific information that was presented to us just this
9 morning?

10 MR. WALKER: Well, I think I would probably
11 defer to the operator and their consultant on that. But
12 our discussions with the Regional Board indicate there
13 will be a final, there will be final plans and specs,
14 and then that will again continue the additional review
15 prior to the Regional Board staff at the Executive
16 Director level from signing off on final plans.

17 But they did issue the WDRs and accepted the
18 conceptual plans and analyses and slope stability
19 analyses.

20 COMMITTEE CHAIR PAPARIAN: Any other
21 questions?

22 Okay, thank you. Next, Vicki Clark from Heal
23 the Ocean and the Law Offices of Victoria Clark.

24 MS. CLARK: Good morning, Mr. Chair and members
25 of the Board. My name is Vicki Clark, I'm an attorney

1 in Santa Barbara, and I represent Heal the Ocean.

2 I don't really know where to start here. I
3 guess as a preliminary matter I just wanted to point out
4 that there's, CEQA keeps being brought up as the EIR
5 being adequate, etcetera. And the EIR itself was not
6 challenged, basically because it's a really tough
7 standard, I mean, when you get to court on an EIR.

8 So the permitting issues though, you have
9 authority under various codes and the Title 27 for the
10 landfill itself, and you need to be looking to those
11 standards we think in issuing the permit.

12 And I just wanted to point that out because a
13 joint technical document was submitted, there's a lot of
14 technical information in it, and that needs to be
15 evaluated, it's not just the environmental impact report
16 that's before you.

17 And as another preliminary matter, you heard
18 something about this five foot separation rule. It's
19 really important for water quality, but it's also
20 important for the seismic stability issue.

21 And the Regional Board found that there are
22 engineered alternatives on the water quality issue.
23 We've disagreed with that, and think that more
24 monitoring is necessary in order to do that.

25 There will be a monitoring plan submitted in

1 November, and it looks like the Board was very
2 interested in seeing at least four or five more wells
3 put in to deal with that issue.

4 However, the seismic stability issue is really,
5 I think, the issue for your Board. Because when, it's
6 kind of like a passing the buck thing that's going on
7 here, I think. We've dealt with staff at both the
8 Integrated Waste Management Board and the Regional
9 Board. And yes, the Regional Board is having a third
10 party peer review, but they are kind of deferring this
11 issue until then.

12 And their expert stood up and stated that he
13 was agreeing that there's this 5.5 magnitude earthquake
14 that should go into this analysis. And as you've just
15 heard, that is way too low. It's at least 7.0. And
16 when you put in the wrong number you're going to get a
17 very different acceleration number, which does have big
18 implications for what could happen when you're piling
19 another 120 feet of trash on top of 350 feet that's
20 already there.

21 And so we think that this is a jurisdictional
22 issue for your Board. And the Regional Board will be
23 looking at it, but there are also implications for the
24 Integrated Waste Management Board, and we think it's
25 really important that there be some kind of condition

1 that goes into this permit that until these issues are
2 really figured out, you cannot add another 120 feet of
3 trash on top of an, of the unlined portion of this
4 landfill.

5 So I guess that's pretty much all I have to
6 say. And I'm available for questions if you have any.

7 COMMITTEE CHAIR PAPARIAN: Any questions?

8 Okay.

9 The last slip I have is from Mr. Whit Manley,
10 but I think you were here just to answer questions?

11 MR. MANLEY: That's right.

12 COMMITTEE CHAIR PAPARIAN: You don't have a
13 presentation. He's here to answer questions on behalf
14 of CEQA.

15 What's the pleasure of the committee?

16 Mr. Jones.

17 COMMITTEE MEMBER JONES: Mr. Chair. I've been
18 on this site, Mr. Eaton and Julie Nauman and Mr.
19 Chandler at the time and our staff met with about thirty
20 people, twenty people probably, local citizens down
21 there when they were looking at the bench work.

22 There's been an awful lot of discussion on this
23 site, extensive. It's been a huge issue in Santa
24 Barbara County.

25 And I think that this landfill has improved

1 considerably in its day-to-day operations, and I think
2 that a lot of that goes to the county and to the LEA.

3 And with that I'm going to move adoption of
4 Resolution 2003-229, consideration of a revised full
5 solid waste facility permit, disposal facility for the
6 Tajiguas Sanitary Landfill in Santa Barbara County.

7 COMMITTEE CHAIR PAPARIAN: There's a motion,
8 is there a second?

9 (No response.)

10 COMMITTEE CHAIR PAPARIAN: I'm not hearing a
11 second. We don't have a motion on the table right now
12 because there's no second to your motion, Mr. Jones.

13 Mrs. Peace has a question. Go ahead, Mrs.
14 Peace.

15 COMMITTEE MEMBER PEACE: In regards to the
16 leachate collection system, you said it's going to be
17 put in place on top of the unlined section, and they're
18 going to put the new waste on top of that?

19 MR. JENKINS: Let me get Mr. Demery to have
20 somebody answer that.

21 MR. CULLINANE: Mike Mullinane, Bryan A.
22 Stirrat and Associates.

23 The landfill currently is on a very low
24 permeability layer. It drains down the canyon in a
25 cutoff trench. That cutoff trench is pumped out. The

1 Water Board is satisfied that's an equivalent liner
2 system to the current standards.

3 In addition, when the expansion takes place,
4 the county is going to tilt the existing deck area and,
5 which has a low permeability cover on it, just based on
6 the material they use, to trenches which have pipes in
7 it, and the pipes will take the leachate and combine it
8 with their existing leachate and future leachate.

9 There is one area of the landfill that's
10 currently lined on the easterly portion of the
11 landfill.

12 COMMITTEE MEMBER PEACE: So the leachate is
13 already being collected?

14 MR. CULLINANE: Correct, it is. There's two
15 mechanism's.

16 One, there's a lined area on the east side of
17 the landfill.

18 The rest of the leachate goes down, it's in a
19 canyon fill, so there's a cutoff trench in the bottom
20 mouth of the canyon that the county put in years back.
21 It pumps all the water that comes to that trench into
22 tanks and uses that land as dust control.

23 COMMITTEE MEMBER PEACE: If for some reason it
24 wasn't completely captured it would flow into the ocean?

25 MR. CULLIANE: But they have a groundwater

1 detection system that the Water Board has approved.

2 They had, before the landfill had the cutoff
3 trench they had some contamination. They put the trench
4 in, they've showed trends that it has captured and
5 blocked all contamination.

6 COMMITTEE MEMBER PEACE: I guess there's some
7 concern that the seismic calculations that we used are
8 too low for this area. If they did have a big
9 earthquake, are they saying that all this garbage is
10 going to go down into the ocean?

11 MR. CULLIANE: I'll let Gary Lass answer that
12 question.

13 MR. LASS: Good morning, Gary Lass with
14 Geologic Associates.

15 We've been working with the county on the slope
16 stability issues for about eight years, I guess.

17 Just a real short four or five slide
18 presentation regarding slope stability. And if I can
19 beg your indulgence?

20 One thing to recognize is slope stability at
21 Tajiguas and most sites is not a new issue. It's
22 revisited on a regular basis, and has been visited
23 virtually annually since 1995 as different phases of
24 development occurred. I don't see a laser pointer so
25 I'll try to kind of paint you the picture there.

1 We have looked at backslope cuts, benchfills,
2 stockpiles, lined floor, and final cover, both
3 statically and dynamically. I haven't heard a great
4 issue with the static analysis, so I won't bore you with
5 the static results.

6 In terms of the seismicity, there's not a
7 limited number of information, there's a great deal of
8 information on seismicity on this site beginning back in
9 1994 when Encon determined that the site event for this
10 site is a .24 maximum acceleration.

11 In 1995 when we got involved we concurred with
12 the .24 of Hushmand Associates, as Mr. Shires indicated
13 earlier, he indicated .21.

14 Earth Mechanics in 2002 indicated .22.

15 Cotton, Shires in their 2003 letter had a
16 maximum of .43, those are attenuated relationships.

17 So you can see the .43 is significantly higher
18 than has been historically attributed to the site.

19 In the joint technical document .24 was the
20 acceleration utilized.

21 This slide just walks through some revised
22 calculations. As you can see, in the history of the
23 site we've looked at back slopes, benchfills, landfill
24 itself, and final cover.

25 What you see in the first column is the

1 calculator under the .24 G acceleration. And you can
2 see there's virtually no displacement, with the
3 exception of some hydro movement in the soil cover.

4 As you're aware, the soil cover is successful,
5 so it's maintainable, and typically larger displacements
6 are allowed for cover systems.

7 One thing I should point out in all these
8 analyses is that the input data is very conservative.
9 For example, on the top soil where we have waste going
10 on top of the older waste, the county reserved the
11 option to put soil in there, temporary stockpile, so the
12 load applied to that older waste was actually a soil
13 load about twice the load of solid waste. So very
14 conservative in that sense.

15 The county also looked at the soil marker,
16 moisture conditions in the landfill, has done extensive
17 investigation of the water conditions, has found that
18 it's actually a number of perched water systems within
19 the landfill, but for the purposes of slope stability we
20 assumed it was a continuous water surface. That's not
21 true, that's a very conservative assumption.

22 We also assumed that that water surface was ten
23 to twenty feet above the highest elevation that's been
24 found in the landfill so, or highest typical of the
25 landfill.

1 So we assumed higher loads, higher water
2 conditions, and continuous water conditions all of which
3 should yield a very conservative result, and found no
4 displacements on those earthquake accelerations.

5 And then went back in as a revisit -- well I
6 should point out actually, in 1993, as was indicated
7 earlier, the Regional Board hired a third party
8 consultant to review the seismic conditions at this
9 site.

10 That consultant testified at the March 23rd
11 Board meeting, I believe it was the 23rd Board meeting,
12 that based on his preliminary review, he has some
13 technical issues iwth some of the approaches, but he
14 doesn't believe there will be any significant changes in
15 the conclusion that the site is stable.

16 We're looking forward to having his comments,
17 and concluding that issue. But based on his preliminary
18 review he didn't feel there would be any significant
19 change in the results.

20 Now we went ahead after that and after the last
21 Regional Board meeting and looked at a pure probablistic
22 and deterministic approach, the MPE, with probablistic
23 at .21 G's, and deterministic with the MHA plus one
24 standard deviation above the MHA, taking us to .39 G's.
25 So we're getting into some relatively high

1 accelerations. Still less than four inches of
2 displacement on the cover system, no displacement on the
3 liner, and no displacement of the benchfill.

4 We then looked at the original Cotton, Shires
5 letter where they indicated maximum horizontal
6 acceleration of .43 G's for the lowest attenuation,
7 that is the highest magnitude. They looked at six
8 different attenuation relationships. They, I think
9 they average between about .27 or .28 G's to .43.

10 So we went ahead and used the .43 G's,
11 recalculated those displacements. And again, no
12 displacement on the waste, no displacement on the liner
13 system, and the final cover shows 3.9 inches of
14 displacement, just as I'm sure you're aware in the way
15 of background, six to twelve inches of displacement is
16 generally accepted by the industry for liners, and
17 typically larger displacements are acceptable with cover
18 systems.

19 So based on those calculations we have again
20 concluded, if we can go to the next slide there real
21 quick, that this landfill is statically and dynamically
22 stable. We're comfortable with that, and we're looking
23 forward to resolving that issue in the next week or two
24 with the Regional Board's third party consultant. It
25 sounds like we're on the same page.

1 And we'll accept any questions.

2 COMMITTEE CHAIR PAPARIAN: Would you expect
3 comparable numbers at the, using the figures that were
4 given by Mr. Shires in his probablistic analysis of .63
5 G?

6 MR. LASS: Well, if we go to a 1.03 G's we
7 certainly will have a different condition. But there's
8 no indication in any of the historic or ongoing seismic
9 reviews, with the exception of Mr. Shires, that those
10 accelerations would be applicable to this site.

11 It's not clear to me on the discussion of Mr.
12 Shires identifying the 7 and 7.2 earthquakes that those
13 are actually attributable to the North Channel Fault
14 which is the critical fault at that site. So --

15 And with regard, just to beg your indulgence,
16 with regard to the probablistic approach, that has been
17 generally accepted by both Water Board staffs and Waste
18 Board staff. Historically in the landfill industry it
19 is a standard of practice in this industry, so as far as
20 we know there's no deviation from the standards of Title
21 27 accepting a probablistic approach.

22 COMMITTEE CHAIR PAPARIAN: Any other questions?

23 COMMITTEE MEMBER PEACE: I guess I get confused
24 with all this G stuff, maybe somebody else is, everybody
25 else is too.

1 But what would happen if this is a 5.0
2 earthquake or 6.0 earthquake? Is this landfill going to
3 withstand those kind of magnitudes?

4 MR. LASS: Well the analysis that we completed,
5 if we can step back to that last chart, the
6 deterministic MPE I believe was for a 6.1 magnitude
7 earthquake on the North Channel Fault. No displacements
8 on the liner, no displacement on the landfill itself,
9 and three and a half inches on the cover.

10 COMMITTEE MEMBER PEACE: Thank you.

11 COMMITTEE MEMBER WASHINGTON: But it wouldn't
12 withstand a 7.0 or 7.2?

13 MR. LASS: We haven't calculated that out. I
14 suspect it probably would. 7.0, 7.1 I think is close to
15 the maximum probable or maximum credible so, and
16 depending on the acceleration when you look at
17 attenuation, it may well tolerate that kind of
18 displacement. We just haven't looked at that.

19 COMMITTEE CHAIR PAPARIAN: Other questions?

20 COMMITTEE MEMBER PEACE: Scott, you talked
21 about the Water Quality Board and third party review,
22 what exactly are we waiting for?

23 MR. WALKER: Well, in the Regional Board, what
24 happens with the waste discharge requirements is they
25 adopt essentially, normally in most cases the

1 conceptual, the preliminary design plans.

2 But as you go towards construction and
3 construction of the phases, at each step in the waste
4 discharge requirements the operator's required to submit
5 the final plans and specs which has the details of the
6 construction.

7 And in each one of those steps they reevaluate
8 whether the stability is appropriate for the specific
9 materials included. It's a normal practice that we do.

10 And so the Water Board has, what a third party
11 peer review is, is essentially someone who is paid for
12 and under contract to the Regional Board that is an
13 expert that advises them.

14 So if they don't have enough in-house expertise
15 they hire, like in this particular case, an expert to
16 look at that and to give them, you know, feedback.

17 And so in those final plans and specs, if it
18 turns out that in the unlikely possibility, in any case
19 of a landfill where they're going through phases of
20 design and construction and final plans and specs, that
21 for some reason the design significantly changes, well
22 if it does, then it's possible it could trigger revision
23 of the waste discharge requirements and the solid waste
24 facility permit.

25 So if perchance during the oversight, the

1 construction as it's phased in, something is different
2 and something needs to be changed significantly, then
3 that may trigger revision of the permits. But again, if
4 it's consistent with the preliminary design and the
5 conceptual plans, then it will be approved in accordance
6 with the permits.

7 COMMITTEE MEMBER PEACE: Is there any reason
8 then that we should be waiting for this third party
9 review before we --

10 MR. WALKER: From the staff's standpoint, no,
11 not really. I think we're comfortable that a really
12 high level review will continue as this landfill is
13 developed. And that the communication between the LEA
14 and the Water Board is such that we feel confident that
15 in the unlikely possibility that something significantly
16 changes, that we'll be able to catch it clearly.

17 But again, we're really comfortable with how
18 this is being handled by the Regional Board.

19 MR. DEMERY: Mr. Chair, members of the
20 committee, I would just like to add for the record this
21 independent review is commonplace in our region, the
22 Regional Water Quality Control Board. It's done on
23 every application for a WDR of a landfill of this size,
24 and it's done continuously.

25 COMMITTEE CHAIR PAPARIAN: Could you identify

1 yourself again?

2 MR. DEMERY: I'm sorry. For the record my name
3 is Phil Demery, I'm the Public Works Director of Santa
4 Barbara County.

5 Thank you.

6 COMMITTEE CHAIR PAPARIAN: Members, we have, we
7 need to take a break for the court reporter. Would you
8 like to ponder this over the break and come back right
9 after the break? I'm getting a nod of yes.

10 Okay. Why don't we -- we're going to take a
11 ten minute break, come back at 11:30 and wrap this one
12 up.

13 (Thereupon there was a brief recess.)

14 COMMITTEE CHAIR PAPARIAN: Okay. We'll get
15 started again.

16 Any ex-parte, Mr. Jones?

17 COMMITTEE MEMBER JONES: Kelly Astor on
18 Tajiguas and on C&D.

19 COMMITTEE CHAIR PAPARIAN: Mrs. Peace.

20 COMMITTEE MEMBER PEACE: Nope, I'm up to date.

21 COMMITTEE CHAIR PAPARIAN: Mr. Washington.

22 COMMITTEE MEMBER WASHINGTON: Yeah, Mark Aprea
23 to say hello to.

24 COMMITTEE CHAIR PAPARIAN: And I'm up to date.

25 We're still on the Tajiguas item. Any further

1 questions from the committee or comments?

2 COMMITTEE MEMBER JONES: Mr. Chair.

3 COMMITTEE CHAIR PAPARIAN: Mr. Jones, go ahead.

4 COMMITTEE MEMBER JONES: I appreciate those
5 other questions that were asked, I think they made the
6 picture a little clearer.

7 I want to move adoption of Resolution 2003-229,
8 consideration of a revised full solid waste facility
9 permit, disposal facility for the Tajiguas Sanitary
10 Landfill in Santa Barbara County.

11 COMMITTEE MEMBER PEACE: Second.

12 COMMITTEE CHAIR PAPARIAN: Okay. We now have a
13 motion and a second.

14 Let me just ask one question, Mr. Walker, if
15 that's all right.

16 One of the main contentions of the opponents is
17 this issue of the stability of the landfill in the event
18 of an earthquake. And as was mentioned, the Water Board
19 is taking another look at some of this information.
20 Even though they've already issued their WDR, they're
21 taking another look at some of the seismic information
22 that's available and so forth.

23 What happens if, as a result of this look, they
24 realize that something else might need to be done?
25 Would that trigger anything coming back to us or could

1 it?

2 MR. WALKER: Let me answer that question. If
3 in the Water Board's review they determine that the
4 design has to significantly change, then that would, in
5 all likelihood, trigger the need to revise the solid
6 waste facility permit if it's significant, and so we
7 would have the permit having, have to come back to the
8 Board.

9 And so what the LEA does is the LEA, on a day
10 to day basis, tracks specifically, you know, the
11 interaction, coordination with the Regional Board.

12 And should something like that happens and it
13 triggers the permit revision, then the LEA would notify
14 the operator to that effect, and they'd have to come
15 back to the Board for a revised solid waste facility
16 permit.

17 Mark has something to add to that.

18 MR. DE BIE: Mark De Bie with Permitting and
19 Inspection. Just to point out what Scott was saying
20 about the significance level. The statute does say that
21 the permit would need to be revised if there are
22 significant changes. So changes less than significant,
23 and significance isn't defined anywhere in statute or
24 reg.

25 But any changes less than significant wouldn't

1 necessarily require a permit revision, it could be
2 handled through a, amendments to the joint technical
3 document that the LEA would review and approve, and
4 would not trigger necessarily the Board review of a
5 revised permit.

6 COMMITTEE CHAIR PAPARIAN: Okay. Thank you.

7 Yeah, I'm, just so members know and everybody here, I'm
8 not myself prepared to vote for or against this permit
9 today. I'm going to take another look at this
10 information, take a look at our role and so forth over
11 the next couple of weeks before the full Board meeting.
12 So I'll be abstaining on the motion.

13 But if there's nothing else then we'll have a
14 roll call.

15 COMMITTEE SECRETARY KUMPULAINIEN: Jones.

16 COMMITTEE MEMBER JONES: Aye.

17 COMMITTEE SECRETARY KUMPULAINIEN: Peace.

18 COMMITTEE CHAIR PEACE: Aye.

19 COMMITTEE SECRETARY KUMPULAINIEN: Washington?

20 COMMITTEE MEMBER WASHINGTON: Aye.

21 COMMITTEE SECRETARY KUMPULAINIEN: Paparian.

22 COMMITTEE CHAIR PAPARIAN: Abstain.

23 Now, in terms of it going to the Board, how
24 would you suggest?

25 EXECUTIVE DIRECTOR LEARY: If your abstention

1 was for reason of conflict of interest we'd move it to
2 the Board on consent.

3 But it doesn't sound like your reason for your
4 abstention is conflict of interest, you're still
5 deciding, my recommendation would be to put it forward
6 to the Board for discussion.

7 COMMITTEE CHAIR PAPARIAN: Okay. I don't think
8 that the Board necessarily needs to have a full repeated
9 presentation unless the other two members, if there's
10 any indication from the other two members that they'd
11 like to have that. So my suggestion would be an
12 abbreviated presentation.

13 EXECUTIVE DIRECTOR LEARY: We'll be happy to
14 provide an abbreviated presentation, but you're
15 obviously going to get some more stakeholder input.

16 COMMITTEE CHAIR PAPARIAN: Right. Right. And
17 then, just so everybody knows, I think everybody
18 probably knows this, but the Board basically has three
19 options.

20 If there are four affirmative votes to approve
21 the permit, it goes forward.

22 If there are four votes to disapprove it, it
23 gets disapproved.

24 If they're, neither one happens, the permit
25 gets punted back to the LEA. The LEA already has given

1 their authorization to it, and the LEA would likely move
2 forward and approve it.

3 So at this point we've got three votes in favor
4 of it, there's two other members of the full Board, and
5 I'm going to continue to consider my position.

6 Thank you everybody who came up from Santa
7 Barbara today.

8 Members, on the state of the agenda before us,
9 I'm informed that the cease and desist item, the legal
10 office has suggested that that be held for our May 8th
11 workshop, that it --

12 CHIEF LEGAL COUNSEL TOBIAS: That's not quite
13 correct. All we're suggesting is hold the cease and
14 desist part of it, the rest of it can go forward.

15 COMMITTEE CHAIR PAPARIAN: Okay. We'll get a
16 further understanding of what you mean.

17 In terms of the rest of the agenda, would the
18 pleasure of the committee be to move through as fast as
19 we can?

20 COMMITTEE MEMBER WASHINGTON: Yeah.

21 COMMITTEE CHAIR PAPARIAN: And then break
22 instead of having a lunch break?

23 COMMITTEE MEMBER JONES: Yeah.

24 COMMITTEE CHAIR PAPARIAN: All right. Let's
25 see if we can get through it then.

1 Is that all right, Mr. Jones?

2 COMMITTEE MEMBER JONES: No problem.

3 MR. WALKER: Next item. Item E is discussion
4 and formal rulemaking public hearing on the phase two
5 proposed construction and demolition inert debris
6 disposal regulations, Board item seventeen.

7 And before I hand it off to staff, just a
8 couple of comments.

9 The Board, we've been dealing with the phase
10 one regulations which is storage and handling.

11 Phase two is the disposal end of C&D, it was
12 split off on a separate track. And we're near the end
13 of phase one. Phase two we've started the process, the
14 formal comment period. The first one was up March 3rd,
15 and this is essentially the routine requirement that
16 we're required to do with regs to have a public hearing.

17 It's not, it's, the Board, the committee does
18 not make a decision on this item, there's nothing really
19 to consider, it's just again to get further comments
20 from stakeholders. And so we would come back in
21 probably June or July to summarize all the comments on
22 the phase two, including from this meeting, and then
23 provide the Board options for changes to consider.

24 So that kind of gives you an idea of how this
25 type of item with a public hearing is intended for.

1 And also with that I'll hand it off to Allison
2 Spreadborough who will give a little bit more
3 presentation.

4 COMMITTEE CHAIR PAPARIAN: So again just to
5 reiterate, we're not giving direction, that would come
6 at a future Board meeting. If we had any desire to make
7 any changes in the direction of these regs, we would do
8 that at a future meeting. So what we're doing today is
9 simply hearing public comment.

10 MR. WALKER: Correct.

11 COMMITTEE CHAIR PAPARIAN: So if you can be
12 fairly brief?

13 MS. SPREADBOROUGH: Good morning, committee
14 chair and committee members. My name is Allison
15 Spreadborough.

16 This is a public hearing for the phase two
17 construction, demolition, and inert debris disposal
18 regulations. After testimony is given, staff will seek
19 direction on any revisions the committee wishes to be
20 considered.

21 In December, 2000, the Board approved a two
22 phase development process for construction, demolition,
23 and inert debris regulations.

24 Phase one addresses processing operations of
25 the facilities, and phase two addresses disposal

1 operations and facilities.

2 As part of the phase two process, staff
3 conducted two initial workshops, the first in December,
4 2001 at Diamond Bar, and a second in January, 2002, in
5 Sacramento.

6 Staff also attended local enforcement agency
7 roundtables in February, 2002, to obtain local
8 regulatory agency input.

9 Based on initial stakeholder input, staff
10 drafted regulations and then conducted two additional
11 workshops in March, 2002, in Sacramento and Diamond Bar.

12 The Board in March, 2002, heard as a
13 discussion item the mine reclamation sites survey final
14 report that was developed through an interagency
15 agreement with the University of California, Davis, and
16 participated in a discussion of initial key issues for
17 the construction, demolition, and inert debris
18 regulations being developed by staff.

19 The 45 day notice for the phase two rulemaking
20 process began on January 17th, 2003, and ended on March
21 3rd.

22 Board staff held a stakeholder workshop on
23 February 24th in Diamond Bar. At this workshop
24 stakeholders raised many questions and issues, and out
25 of the meeting staff compiled eleven comments on inert

1 debris definition, six comments on the excluded activity
2 section of the regulation, one comment on inert debris
3 type A disposal facilities, two comments on disposal
4 reporting, and six miscellaneous comments, mostly about
5 the meaning of certain terms.

6 Following the 45 day comment period, staff
7 identified additional comments and categories not
8 addressed at the February workshop. There were six
9 comments on the inert debris definition; three comments
10 on the exclusions sections; nineteen comments on inert
11 debris and fill operations sections; two comments on
12 inert debris type A disposal facilities; five comments
13 on state minimum standards; four comments on disposal
14 operation plan and disposal facility plan section; seven
15 comments on diversion impacts; two comments on local
16 ordinances; and eight miscellaneous comments that were
17 wide ranging.

18 In the agenda item, Mike Mohajer, Mr. Mike
19 Mohajer of Los Angeles County Public Works has indicated
20 he's in support of the regulations with modifications,
21 but he contacted me to make sure it was clear that he
22 had strong concerns about the relation between the
23 diversion and disposal quantities and its corresponding
24 effect on cities and counties efforts to comply with
25 state waste reduction mandates, although he still

1 generally supports the regulations.

2 In closing, this is only a public hearing, no
3 action is required today. Staff will return to the
4 committee with revisions to the regulations after
5 consideration of written comments and all testimony
6 given today.

7 This concludes staff's presentation.

8 COMMITTEE CHAIR PAPARIAN: Thank you. And then
9 just to follow up, Mr. Mohajer sent me, and I think he
10 sent other members too, a copy of a letter dated March
11 3rd indicating he wanted to make sure it was part of the
12 record of today's proceedings.

13 So you have that for the record, right?

14 MS. SPREADBOROUGH: Yes, I do.

15 COMMITTEE CHAIR PAPARIAN: I have two speaker
16 slips.

17 First of all, Mark Aprea from Aprea and Company
18 on behalf of Republic Services.

19 MR. APREA: Mr. Chairman, members of the
20 committee, Mark Aprea representing Republic Services.

21 Mr. Chair, before I get started on my brief
22 comments I just want to know if I have ten visits to the
23 Cal EPA building do I get something for free?

24 COMMITTEE CHAIR PAPARIAN: You get a free
25 visit.

1 MR. APREA: Oh, great. Looking forward to
2 that.

3 We just wanted to indicate to the committee, as
4 I think we've indicated personally to most of you as
5 well as to staff. I want to thank staff for the time
6 that she took last week to go through with us the phase
7 two C&D regs.

8 And just to indicate to you that we understand
9 from some of our local government customers some concern
10 that the proposed regs that, in terms of their current
11 draft, may not be consistent with AB 2308 which was
12 passed into law last year.

13 We have no firm objection to the proposed regs
14 right now, but are wanting to make sure that the reg
15 package that ultimately will come before you is
16 consistent with AB 2308, and just wanted to bring that
17 to your attention.

18 If there are any questions I'll take them,
19 otherwise I'll step down.

20 COMMITTEE CHAIR PAPARIAN: Any questions?

21 Mr. Jones.

22 COMMITTEE MEMBER JONES: Probably not for Mr.
23 Aprea, but either for staff or for Elliot or whoever's
24 running this reg package.

25 How, you know, when I look at that little

1 breakdown where it kind of almost looks like it's
2 diversion in the engineered fill part and disposal in
3 the other parts, how are we treating these materials
4 that are going into either an engineered fill or an
5 engineered or inert fill or a C&D fill?

6 C&D I understand is disposal, but what's our
7 treatment for the purposes of AB 939 counting on the
8 other two?

9 MR. DE BIE: Mark De Bie with Permitting and
10 Inspection.

11 If I can make the initial attempt, I don't know
12 if Elliot is here, but if he is he can back me up.

13 The way the regs are structured is we clearly
14 identified that placing any materials from construction
15 demolition sources to land is disposal, and that's why
16 we're regulating it.

17 However, as you're aware, Mr. Jones and
18 members, that who reports that to the Board as disposal
19 is dependent on those entities that have a permit, a
20 solid waste facility permit. So if they do not have a
21 solid waste facility permit, they're not required to
22 report the material as disposed.

23 Currently we have the type A inerts, and these
24 are sort of the clean inerts, the inert inert type
25 materials that are engineered fill, so it's two aspects,

1 clean inerts as well as being engineered fill, excuse
2 me, are placed in a notification tier which is not a
3 permit. And so that material would not need to be
4 reported as disposed for purposes of disposal reporting
5 system.

6 All other activities would require at least a
7 registration permit if not a full. And therefore, any
8 material being disposed at those sites would need to be
9 part of the DRS system.

10 COMMITTEE MEMBER JONES: The three sites in the
11 San Gabriel Watershed that created this firestorm, we
12 had 16 unpermitted sites, we had three permitted sites
13 that were required to get permits because of the water
14 master, which is how this whole thing started which
15 actually delayed all of our C&D permit work for years,
16 that was basically taken care of in 2308.

17 So now are you saying that with the adoption of
18 this reg package, that solution in 2308 goes away and we
19 get to face that same issue of 16 facilities, because
20 they're not permitted, have an advantage over the three
21 facilities that do have permits even though the activity
22 is identical?

23 MR. DE BIE: Before I defer to Elliot on the
24 specifics on 2308, it's, once the types of facilities
25 are defined, some of those facilities that do currently

1 require a full permit would have the option of, if they
2 qualify for an engineered fill, getting a notification
3 tier.

4 Some that maybe are not conducting an
5 engineered fill may need to, you know, get a
6 registration or a full permit.

7 So until we define specifically these various
8 activities and in which tier they belong, it's hard to
9 predict what the full impact will be on the existing
10 state.

11 But I think Elliot could, you know, help you in
12 speculation in terms of the known sites right now.

13 COMMITTEE MEMBER JONES: Those 16 sites then
14 that have always been in question, they could end up
15 being required to have a permit as a result of this?

16 MR. DE BIE: If they can't meet their
17 qualifications then they would need to get a permit.

18 COMMITTEE MEMBER JONES: Okay. So that would
19 level the playing field in the other direction, okay.
20 That answers the question. I don't know if it goes to
21 the heart of 2308 --

22 COMMITTEE CHAIR PAPARIAN: Okay.

23 COMMITTEE MEMBER JONES: -- but I have an
24 answer.

25 COMMITTEE CHAIR PAPARIAN: We have one more

1 witness, Chuck White representing Waste Management.

2 Maybe another witness.

3 MR. WHITE: Thank you, Mr. Chairman, members of
4 the committee, Chuck White with Waste Management.

5 I likewise want to indicate what a great job I
6 think the staff has done on the development of this
7 package. They've been very open and communicated freely
8 on raising issues, discussing them, and hopefully
9 reaching conclusions.

10 We support the regulations as written, although
11 we do have some suggested minor amendments that we've
12 submitted in our letter of March 3rd, and we would hope
13 that we would see some of those addressed before the
14 final package is adopted by the Board.

15 The most important aspect of these regulations
16 is, in our view, the issue of engineered fill operations
17 and how they would be regulated. And as the previous
18 discussion indicated, they would be, as the regs are
19 proposed, placed into the notification tier which we
20 believe is consistent with the legislation that has
21 passed in this area over the past several years.

22 In the notification tier they would still be
23 considered to be disposal, but they would be an
24 operation rather than facility, would not be subject to
25 paying the \$1.40 per ton fee, and wouldn't be counted as

1 disposal within the disposal reporting system. And we
2 think that's appropriate with respect to these types of
3 solely type A, clean material, engineered fills.

4 And so we would urge that these regs go
5 forward. Like I said, we do have some suggested
6 modifications, some definitional questions, a question
7 of what minimum standard should be applied to engineered
8 fills, the definition of waste, making it consistent
9 with the phase one regulations. And then there was a
10 number of questions, a so-called wish list that the
11 staff proposed and asked for some feedback which we
12 provided comment on.

13 It's my understanding that all this will be
14 taken into consideration, and I guess in June or July a
15 new version for proposed fifteen day re-notice would be
16 brought back to this committee.

17 So I'm going to forego any further testimony of
18 the specifics with the understanding that when it does
19 come back and before it goes out to public notice we
20 will have a chance to have continuing dialogue on these
21 issues.

22 Thank you very much.

23 COMMITTEE CHAIR PAPARIAN: Thank you, Mr.
24 White.

25 Chuck Helget with Allied Waste.

1 MR. HELGET: Mr. Chairman, members of the
2 committee, Chuck Helget representing Allied Waste
3 Industries and also speaking in support of these
4 regulations. Complimenting you on coming close to the
5 end of a very long march to get these regs to this
6 point.

7 We look forward to working with you and your
8 staff. And again I compliment you on reaching what we
9 think is a very fair and reasonable compromise on these
10 regulations.

11 COMMITTEE CHAIR PAPARIAN: Thank you.

12 Okay. We're ready for the next item.

13 MR. WALKER: Yes, item F is discussion and
14 request for approval to notice for a 45 day comment
15 period proposed regulations concerning the landfill
16 closure loan program, April Board item number eighteen.

17 And Susan Markie, will give the staff
18 presentation.

19 MS. MARKIE: Good afternoon, Chairman Paparian
20 and committee members.

21 This item requests approval to being the
22 foremal rulemaking process and notice proposed landfill
23 closure loan program regulations.

24 The State Auditor's 2001 report recommended
25 that the Board seek legislation that will allow it to

1 offer loans or grants to landfill operators in need of
2 financial assistance to close landfills.

3 Assembly Bill 467 was approved by the Governor
4 establishing the landfill closure loan program in
5 September, 2002.

6 The purpose of this program is to assist
7 operators of unlined landfills located in rural areas
8 that want to pursue early closure as it may not be
9 economically feasible to upgrade their landfills to
10 current environmental design standards.

11 Additionally, early closure may be desired to
12 mitigate potential environmental problems.

13 The loan program would provide loan amounts
14 limited to \$500,000 per closure project, zero percent
15 interest, ten year repayment schedule. Priority will be
16 given to small, rural landfills.

17 The total loan money availability will be
18 determined each year by our Board and our budgets
19 office.

20 This program will become inoperative on July
21 1st, 2012 unless repealed.

22 Board staff conducted a survey in November,
23 2002, and received 16 responses from interested
24 operators. The landfills were in the counties of
25 Imperial, Inyo, Mendocino, Monterey, Modoc, and Plumas.

1 A focus group of internal and external
2 stakeholders reviewed the documents prior to an informal
3 public workshop held in Sacramento on March 25th, 2003.

4 The draft regulations are listed as attachment
5 one. We have three changes to reflect the comments to
6 the March workshop. I'd like to address those changes
7 now.

8 On page one, section two, 3002 definitions.
9 The definition of operator has been removed since it is
10 already included in existing regulations.

11 Page two, section two, 3005, offer eligibility
12 criteria. Under section C, the word "facility" has been
13 stricken out, exchanged with "site" for consistency
14 purposes.

15 Additionally on page two, section two, 3006,
16 loan priorities, we added section E. And the language
17 would be, "Proposed complete closure of the site." And
18 I'll explain that.

19 Comments received at the workshop included
20 allowing partial closure projects to apply for loans.
21 Although partial closure will be considered for a loan
22 project, it is the intention of the law to assist with
23 the complete closure of a given landfill. Therefore,
24 staff will give priority to applicants proposing
25 complete closure without limiting partial closure

1 applicants. Wording to address partial closure will be
2 clarified within the statement of reasons.

3 There were comments received during the
4 workshop that dealt with the loan program process and
5 not the actual language of the proposed draft
6 regulations.

7 Board staff will continue to work with
8 stakeholders during the outlining of the application
9 process and content to address these concerns. We feel
10 that most of the concerns will be dealt with in the
11 statement of reasons.

12 The options for the committee today include
13 approving the request to notice the 45 day comment
14 period for proposed regulations.

15 Approving this request for proposed regulations
16 with specific revisions.

17 Instructing staff to revise the proposed
18 regulations and return at a later date.

19 Or take no action.

20 Staff recommends that the Permitting and
21 Enforcement Committee approve option one and approve the
22 request to notice a 45 day comment period for proposed
23 regulations.

24 This concludes staff's presentation, and I'm
25 available to answer any questions.

1 Thank you.

2 COMMITTEE CHAIR PAPARIAN: Any questions?

3 Mr. Washington, and then Mrs. Peace.

4 COMMITTEE MEMBER WASHINGTON: Thank you.

5 Susan, in terms of the, I'm looking at this, and in
6 terms of the hierarchy, how much money is available for
7 this program? I hear 500,000, but it sounds like to me
8 if one applicant needs 500,000 to close their landfill,
9 what happens to the rest of the sixteen or twenty
10 applicants who may apply?

11 MS. MARKIE: That's a great question because
12 the statute actually uses the word may, that the Board
13 may provide money. And originally we had put forward
14 the verbiage to include the word shall and create an
15 actual trust that we could feed into, but that was
16 changed. So it really is at the purview of the Board.

17 And I've been told from our budgets office that
18 we have a line item for \$500,000 for this upcoming
19 fiscal year.

20 COMMITTEE MEMBER WASHINGTON: Right.

21 MS. MARKIE: But given the budget this year I
22 don't know if that will even happen. So what we will do
23 if we do have \$500,000, what we're trying to work out
24 with our interested parties is if we know when you're
25 going to close, and perhaps we may only have one or two

1 applicants for that year, if they don't need the full
2 500,000 we would split it between two applicants, or we
3 would just try to work with them to get them in the
4 following year.

5 COMMITTEE MEMBER WASHINGTON: Okay. So if,
6 what happens in the case if you have five who, I mean I
7 know it probably sounds farfetched, but I'm just trying
8 to figure out in terms of this 500,000, would you have
9 to come to the Board to ask for more money or --

10 MS. MARKIE: Well, they'll be rated according
11 to the priorities, so some will receive a higher rating
12 than the others and so we.

13 COMMITTEE MEMBER WASHINGTON: So 500,000 would
14 be the cutoff no matter who applies and how many?

15 COMMITTEE MEMBER WASHINGTON: Each applicant
16 can only receive \$500,000 per project. So what happens
17 when we get the applications in, we'll grade them and
18 then I'll present it back to you for your approval. So
19 you'll have a chance to see how we graded them and how
20 they slotted in, and then the Board would vote to issue
21 a loan.

22 COMMITTEE MEMBER WASHINGTON: Okay. One more
23 question.

24 COMMITTEE CHAIR PAPARIAN: Let me just follow
25 up with one more, this might be helpful. You haven't

1 had a chance to go through the fun process of
2 reallocation in May yet. But let me just ask, if there
3 were reallocation funds available in May, would this be
4 an eligible program? I mean if we decided this was an
5 program and it's underfunded during the year, could we
6 reallocate money in May for this program?

7 MS. NAUMAN: Mr. Chair, Mark's on the phone
8 right now calling T.J. because what we're trying to
9 recall, and this just escapes us at the moment, exactly
10 how this ended up in the Governor's proposed budget,
11 because we have a BCP on this program.

12 So we're trying to verify for you now what the
13 spending limitation or the spending authority was that
14 we were asking for in the BCP. So hopefully we can get
15 that question answered and that might help, because
16 we're trying to figure out why we have the 540 figure.

17 COMMITTEE CHAIR PAPARIAN: Okay. Mr.
18 Washington had another question.

19 COMMITTEE MEMBER WASHINGTON: And then my final
20 question mentioned about determination at the end of the
21 fiscal year 2002-2003.

22 MS. MARKIE: 2012. Unless repealed this
23 program will sunset.

24 COMMITTEE CHAIR PAPARIAN: Unless renewed.

25 MS. MARKIE: Is that the term they use now? In

1 statute it says repealed.

2 COMMITTEE CHAIR PAPARIAN: Oh. Oh, okay.

3 Sorry.

4 COMMITTEE MEMBER WASHINGTON: All right.

5 MS. MARKIE: And it's quite possible that only
6 one applicant will apply per year.

7 COMMITTEE CHAIR PAPARIAN: Your terminology was
8 right. I was thinking that the program would continue
9 if it's -- never mind.

10 Mrs. Peace.

11 COMMITTEE MEMBER PEACE: You talk about these
12 small rural landfills, do you have any idea of
13 approximately how much it takes to close one of these
14 small rural landfills?

15 MS. MARKIE: You know, it can vary all over the
16 page depending on the size and what exactly they're
17 doing. I'd refer closure questions to Scott Walker.

18 COMMITTEE MEMBER PEACE: Do you have an idea
19 how much you think these can cost?

20 MR. WALKER: Typically a closure of a landfill,
21 it might cost about a hundred thousand dollars, between
22 fifty and a hundred thousand dollars per footprint acre.
23 So these small rural landfills are typically less than
24 ten acres so, you know, you'll see costs anywhere from,
25 you know, a couple hundred thousand to over a million

1 dollars for closure.

2 COMMITTEE MEMBER PEACE: You're saying a small
3 landfill can cost a million dollars to close it?

4 MR. WALKER: Yeah. Sometimes the small
5 landfills can be quite costly, especially where you have
6 small landfills that weren't sited properly to begin
7 with so it's more expensive to close them. Some of them
8 have spread waste over a pretty wide footprint, you
9 know, ten acres or more. And some of 'em are actually
10 in areas that have a pretty high rainfall condition, so
11 their cap design may be more complicated than a simpler
12 type closure. So there are cases.

13 But then again, some of the rural landfills can
14 be closed quite cost effectively, you know. But still,
15 also because they're small the economies of scale are
16 not in their favor, you know.

17 The bigger landfills can spread their costs out
18 more so the costs per footprint acre, you know, is
19 typically a little bit cheaper for the equivalent
20 design.

21 COMMITTEE CHAIR PAPARIAN: Okay. I had a quick
22 question. I'm sorry, Mr. Jones, you had one too?

23 COMMITTEE MEMBER JONES: Go ahead.

24 COMMITTEE CHAIR PAPARIAN: I'll go ahead then.
25 The interest rate, are we intending that to be zero

1 percent on these loans?

2 MS. MARKIE: That's the intent. It leaves it
3 open in the statute, but it says that it may be set at
4 zero percent. And if you recall, the landfill
5 compliance loan program that we did a pilot program that
6 this kind of came out of, that was a zero percent
7 interest loan which received a lot of interest and
8 support from the folks out there that really need the
9 money to help augment their closure.

10 COMMITTEE CHAIR PAPARIAN: Okay. Mr. Jones.

11 COMMITTEE MEMBER JONES: Has -- thank you, Mr.
12 Chair.

13 Has the, has your group sort of polled the
14 rural jurisdictions? I mean it's one thing to try to
15 find the material to close the landfill, and that could
16 cost fifty to a hundred grand. But the other problem is
17 that right now the water, those regional water agencies
18 are paid for as part of the five million or six million
19 we turn over to the Water Board, I think. When they're
20 closed the Water Boards can issue them a bill every
21 year.

22 Have you, have you thought to do a survey of,
23 you know, it may cost a hundred, two hundred, or a
24 million dollars to close a rural landfill, but they may
25 be looking at fifteen, seventeen, \$18,000 a year because

1 they closed it, to give it to the Water Board just so
2 somebody may go out there once a year.

3 I think it's, I think there's some issues that
4 the rural counties have that we need to be aware of,
5 because I think we need to take that into consideration
6 when we're looking to see if people are really closing
7 these sites or, you know.

8 The idea was to try to close some of these
9 sites from being trickle sites. But I'm not sure that
10 we ever spent, if we ever really thought about some of
11 those other ramifications, and we probably should know
12 that, I would think, because it could be the difference
13 between somebody applying or not applying.

14 MS. MARKIE: That was brought to my attention.
15 And what we did to try and address that was that they
16 could use the loan money that they received from us as
17 part of the governmental fees, which would include that
18 Water Board fee, because we did want to keep it open.
19 The initial thoughts was that we'd roll the money into
20 their closure funds, but then they couldn't take it out
21 to use it for governmental fees.

22 So it will go into a separate account when and
23 if an applicant gets the loan. So at least it will help
24 them out for the first couple of years. And I know that
25 was a problem, and the rural counties pointed out that

1 actually by closing, it was in conflict by we were
2 saying close the landfill, but then that increased fees
3 on other avenues, as Mr. Jones brought up.

4 COMMITTEE CHAIR PAPARIAN: I have one witness,
5 Larry Sweetser representing the Rural Counties JPA.

6 MR. SWEETSER: Good afternoon, Larry Sweetser
7 on behalf of the Rural Counties Environmental Services
8 Joint Powers Authority.

9 And first off I want to appreciate Sue Markie's
10 efforts. Jim and I have spent a lot of time with her
11 going over some of these, the intent of the program, and
12 we were there for the workshop. And we actually pushed
13 for this program a number of years ago with the facility
14 compliance loan program, so we're happy to see it get
15 this far. And we encourage you to go ahead with it.
16 And Sue was very helpful in meeting with us and bringing
17 up some of those issues like the ones Mr. Jones
18 mentioned.

19 We are actively working with the Water Board to
20 try and address that issue, so there's not a penalty
21 when we try and close one of these sites. So we do
22 appreciate you recognizing that.

23 And given that Sue was so helpful and there's
24 such an interest in a number of our counties, as she's
25 mentioned, we have actually invited her to speak in

1 front of our Board of Directors next week to answer
2 their questions.

3 And we do have a number of applicants
4 interested in this loan program, so we would encourage
5 you to go forward.

6 And thank you very much.

7 COMMITTEE CHAIR PAPARIAN: Okay. Thank you.

8 Yeah, Mark, did you have anything you wanted to add
9 based on your conversations?

10 EXECUTIVE DIRECTOR LEARY: Yes. Really, Mr.
11 Chair and members of the committee, we really have to
12 rely primarily on the legislation to define the amounts
13 available for the program.

14 And although the legislation doesn't appear to
15 create a specific fund, it does appropriate money for
16 this purpose. It really, the amount of money, it's
17 really up to the Board through the allocation process in
18 the integrated waste management account at the beginning
19 of the year to determine how much money they want to
20 make available for this, among the other purposes of the
21 integrated waste management account.

22 We have before the legislature in the
23 Governor's proposed budget a budget change proposal for
24 additional staff resources to implement this program.
25 There is not a specific addition of funds because, as

1 we've briefed you all individually, the integrated waste
2 management fund is pretty largely fully expended. So it
3 would have to be a competing use of the account versus
4 other uses that the Board uses the account for.

5 So in a nutshell, there's not a specific
6 appropriation for funds for this purpose until the Board
7 allocates those funds at the beginning of the year.

8 COMMITTEE CHAIR PAPARIAN: Mr. Washington.

9 COMMITTEE MEMBER WASHINGTON: So AB 467 just
10 establishes the program.

11 EXECUTIVE DIRECTOR LEARY: Establishes the
12 program.

13 COMMITTEE MEMBER WASHINGTON: No funding.

14 EXECUTIVE DIRECTOR LEARY: And allows for the
15 purpose of the money to be used for this.

16 COMMITTEE MEMBER WASHINGTON: No amount just --

17 EXECUTIVE DIRECTOR LEARY: \$500,000 as a
18 maximum for each landfill closure.

19 COMMITTEE MEMBER WASHINGTON: Oh, okay. All
20 right. Thank you.

21 COMMITTEE CHAIR PAPARIAN: Okay. Any further
22 action needed other than to go forth with this?

23 MR. WALKER: That's it. We assume we've got
24 the direction and we'll going forward.

25 Thank you.

1 COMMITTEE CHAIR PAPARIAN: Okay. Number 19.

2 MR. WALKER: Item G is discussion and request
3 for approval to notice for 45 day comment period
4 proposed regulations, revisions concerning landfill
5 capacity reporting requirements included in the solid
6 waste facility permit application form E177. This is
7 April Board item number 19.

8 And Bridget Brown will provide the staff
9 presentation.

10 MS. BROWN: Good afternoon, Mr. Chair and
11 committee members, I'm Bridget Brown.

12 This item is a discussion and request for
13 approval to begin the formal rulemaking process by
14 noticing the revised solid waste facility permit
15 application and instructions for a 45 day comment
16 period.

17 The 2001 State Auditor's report, among other
18 things, recommended that the Board update its database
19 and require local governments to report accurate
20 landfill capacity information on an annual basis in a
21 consistent manner.

22 After reviewing several different methods of
23 obtaining this landfill capacity information, the P&E
24 Committee, at its June 10, 2002 meeting, directed staff
25 to use the existing solid waste facilities permit

1 application as a method of obtaining and compiling
2 accurate and consistent remaining landfill capacity
3 information for California.

4 The existing solid waste permit application
5 currently requires all operators of solid waste
6 facilities to provide information regarding remaining
7 capacity. The problem is that the requirement lacked a
8 concise and consistent set of instructions as to how
9 this information was to be presented. The revised
10 application form and instructions add clarity to this
11 requirement.

12 A working group was created to revise the
13 current application and its instructions. The working
14 group consisted of several staff members from various
15 areas of the Permitting and Enforcement Division as well
16 as a member of our legal staff.

17 Once the draft documents were prepared, they
18 were sent for review to a small focus group consisting
19 of members of the regulated community.

20 Members of the working group reviewed all
21 comments received from that focus group and made
22 revisions to the application as necessary.

23 An informal public workshop was held in
24 Sacramento on Tuesday, March 25th, and a summary of the
25 comments from the workshop include, clarification of

1 language for terms, for the terms facility size,
2 boundary, and MRF.

3 A question about whether estimates and
4 compaction rate and waste to cover ratio are
5 enforceable.

6 A general question regarding the necessity for
7 identifying location of wells.

8 Clarification of the definition for source of
9 water supply.

10 Clarification of CEQA document submissions.

11 A question on exempting some facilities from
12 preparing landfill capacity survey results to determine
13 statewide capacity.

14 And a question on a phase-in period for
15 submitting the new application.

16 Members of the working group reviewed all
17 comments received from the workshop and already made
18 revisions to the application as necessary.

19 This item contains a copy of the existing
20 application and the revised application for your
21 consideration. When comparing the existing permit
22 application with the updated one, you'll notice that the
23 new form is similar to the old, but it eliminates
24 outdated parts of that application. For example,
25 removal of the CoSWMP requirement which is no longer

1 required, and the removal of a daily flow information
2 which is now obtained in another document.

3 There are some additions to the application,
4 such as the landfill capacity survey requirement
5 described in proposed language in Section 21570 which is
6 attachment five of your packet. But most are minor,
7 such as moving items around to assist the applicant in
8 filling out the application for clarity.

9 The instructions are more extensive than the
10 previous two page document. This is because staff
11 wanted to provide clear and concise instructions for
12 each of the items on the form to obtain information from
13 all applicants in a consistent manner.

14 This concludes my presentation. If you have
15 questions regarding the revised application or the
16 instructions, staff from the working group is here and
17 available to answer any questions.

18 COMMITTEE CHAIR PAPARIAN: We have one
19 witness. Are there any questions before we hear the
20 witness?

21 Larry Sweetser.

22 MR. SWEETSER: Larry Sweetser again on behalf
23 of the Rural County Services JPA, and I will be quick
24 given the hour.

25 We do appreciate staff's efforts on this, and

1 hopefully the clarifications will make it easier on
2 filling out permits and applications and giving people
3 the information they need.

4 And we will be providing written comments
5 during the formal period. But one key concern we wanted
6 to raise to you was about the requirement, which is a
7 new one, for ground or aerial surveys. There is a lot
8 of information that can be gained from those, but the
9 purpose, as I understand, primarily for the change in
10 the application is to help calculate statewide capacity.

11 And I've already gone through the records on
12 all of our twenty counties that we represent, which is
13 about a third of the area of California, we represent
14 less, about two percent of California's waste stream.
15 And so by providing, requiring that survey can be the
16 cost, and I checked with a number of our counties and
17 about \$5,000 to do the survey, as specified in the new
18 requirements, which could be a lot better spent on
19 operations, training, and other issues without impacting
20 statewide capacity at all.

21 So we would encourage in the regulations as
22 they go forward, and we'll be commenting on that, to
23 have some flexibility in that or even some exemptions
24 from doing that survey.

25 Thank you very much.

1 COMMITTEE CHAIR PAPARIAN: Thank you, Mr.
2 Sweetser.

3 Mr. Jones, do you have a question?

4 COMMITTEE MEMBER JONES: For Mr. Sweetser.
5 What do you think an appropriate cutoff tonnage-wise
6 would be? Have you looked at what your majority of
7 those sites are?

8 MR. SWEETSER: Most of them that I'm talking
9 about are well under twenty tons a day receipt of
10 material. And as Scott had mentioned before, some of
11 them are spread out over large areas, and a number of
12 them have twenty, thirty years of capacity left in that
13 site, but it's not enough that would impact the state.
14 So maybe something along the level of twenty tons per
15 day, which is a number that the federal government uses
16 for input.

17 We can provide a range of numbers in the
18 written comments based upon, so --

19 COMMITTEE CHAIR PAPARIAN: Thank you, Mr.
20 Sweetser.

21 MR. SWEETSER: Thank you.

22 COMMITTEE CHAIR PAPARIAN: This item was one of
23 the ones in response to the auditor's report, and
24 despite the reporting in an environmental newsletter
25 over the weekend, Mr. Jones and I occasionally agree on

1 things, and I think this is one where we did come to an
2 agreement as to how to best proceed with collecting this
3 information in response to the auditor's report.

4 I think this is a good reflection in what kind
5 of direction Mr. Jones and I were both hoping for.

6 COMMITTEE MEMBER JONES: Mr. Paparian.

7 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

8 COMMITTEE MEMBER JONES: This idea about the
9 twenty tons a day thing, would you be willing to look at
10 that? Because that five grand gets divided into that
11 tonnage to figure out how to pay for this thing.

12 COMMITTEE CHAIR PAPARIAN: That's one of the
13 things we can talk about. I want to understand it a
14 little bit more. Okay. Thank you. And I think you
15 have our blessing to go forth on this one too.

16 The next item.

17 COMMITTEE CHAIR PAPARIAN: Thank you. Item H
18 is the semiannual update and publication of the
19 inventory of solid waste facilities which violate state
20 minimum standards. This is April Board item twenty.

21 Leslee Newton-Reed will give the staff
22 presentation.

23 MS. NEWTON-REED: Good morning -- excuse me,
24 good afternoon. I'm here to report on the semiannual
25 update and publication of the inventory of solid waste

1 facilities which violate state minimum standards.

2 The Board is required by Public Resources Code
3 section number 44104 to maintain a list for all
4 facilities that violate state minimum standards, and
5 publish it twice annually. This is an informational
6 agenda item only, and no Board action is required.

7 There are thirteen -- excuse me, thirteen
8 facilities listed on the inventory, which is the same
9 number as in the October, 2002 update. Seven facilities
10 were removed, and seven facilities were added to the
11 list as shown in revised attachment one.

12 Three of the sites are on the inventory for
13 landfill gas violations as shown in the graph in revised
14 attachment two. Details on each facility are in
15 attachment three.

16 Here are the latest updates since the agenda
17 item was written.

18 The inventory regulations became effective on
19 April 4th, 2003. The inclusion, removal of Glenn County
20 Landfill was inadvertently left off attachment one and
21 appears on attachment one revised.

22 The remediation work is complete on the Brawley
23 Landfill site, cut and fill site in Imperial County, and
24 the site will remain open for another one to two years.
25 The new violations deal with final closure plan and

1 removal -- excuse me, report of disposal site
2 information for a revised permit.

3 I have verbal notification from the LEA that
4 the final closure plan was submitted on the deadline of
5 April 4th, 2003.

6 Two other Imperial County sites, Holtville and
7 Hot Spa have met their March 27th deadline and will be
8 removed from the inventory list upon receipt of written
9 notification from the LEA.

10 The operator/owner of the Lost Hills Sanitary
11 Landfill has failed to comply with the compliance
12 schedule deadline of March 21st, 2003.

13 The operator did submit closure plans, however
14 the plans were not approved by the Regional Water
15 Quality Control Board.

16 The compliance schedule required that the
17 operator submit approvable plans. The operator has
18 stated that all of the missing information will be
19 provided in two weeks to the Regional Water Quality
20 Control Board.

21 For the Ven Virotek-Arvin Processing Recycling
22 Station, the Regional Water Quality Control Board is
23 still reviewing the soil analysis and other information
24 Kern County Waste Management has submitted for the
25 site. Therefore, there's no change from the discussion

1 provided in the summary in attachment three.

2 With the submittal of a report on April 1,
3 2003, the operator of Azusa Land Reclamation Company
4 Landfill has complied with the March -- excuse me, March
5 31st, 2003 deadline. When we have received the LEA's
6 confirmation of compliance, we will remove this facility
7 from the inventory.

8 The LEA has sent a draft notice and order that
9 contains a compliance schedule for the Coastal Material
10 Recovery Facility and Transfer Station.

11 We received confirmation on Friday from the LEA
12 that the operator of the Highway 59 Landfill has
13 complied with the LEA's corrective action order, and
14 this site will be removed from the inventory.

15 Staff had a meeting with the operator of the
16 Red Bluff Landfill and LEA on April 2nd, 2003. The LEA
17 plans to write a notice and order this week detailing
18 timeframes for the contingency plan.

19 This concludes my presentation. Is there any
20 questions?

21 COMMITTEE CHAIR PAPARIAN: Mrs. Peace.

22 COMMITTEE MEMBER PEACE: Yes, I had a question.
23 I noticed on here there's quite a few of these small
24 landfills that are in violation because of no closure
25 plan. Is the landfill closure loan program, will that

1 help any of these situations?

2 MS. NEWTON-REED: No, the problem was they, the
3 county supervisors hadn't given the public works enough
4 money to finish out the closure plans, and that has been
5 dealt with and they're on a schedule, and so it will be
6 taken care of.

7 COMMITTEE MEMBER PEACE: Also at the bottom of
8 page 20-6, "However, no notice of civil or
9 administrative penalties were cited."

10 So nobody's been assessed any penalties or any
11 fines for any of these things?

12 MS. NEWTON-REED: Excuse me, which page were
13 you looking at?

14 COMMITTEE MEMBER PEACE: It says 20-6 in
15 writing at the bottom. It says, "Compliance schedules
16 issued, however, no notice of civil or administrative
17 penalties were cited."

18 So I guess that means there haven't been any
19 penalties or fines issued at all for any of these
20 inventories, any of these facilities?

21 MR. WALKER: Board member Peace, that asterisk
22 refers to one particular case which was the Brawley
23 Landfill inventory listing that's been taken off, so
24 there's no outstanding inventory cases that have not
25 complied with that requirement.

1 COMMITTEE MEMBER PEACE: Okay.

2 COMMITTEE CHAIR PAPARIAN: Any other
3 questions? It is still, every time this comes up it
4 still kind of bugs me some of the time periods we give
5 people, and I don't know what to do about that.

6 But, you know, looking at the first one, the
7 city of Clovis, they've had a gas violation starting in
8 the mid-nineties, they were supposed to submit an
9 application by January 31st, '02. They did that but it
10 was inadequate. Then eight months later they get a new
11 notice and order giving them another couple of years to
12 submit an application.

13 I don't know if we're looking for a response
14 other than just expressing my frustration that some of
15 these things do seem to drag on and on and on without
16 resolution. And that may be something we want to look
17 at in the future.

18 MS. NEWTON-REED: I think the regulations will
19 take care of that, because they will only be able to
20 have a compliance schedule for two years.

21 MR. WALKER: The other thing I'd like to point
22 out is on the Clovis Landfill, the LEA is on a, per the
23 evaluation process, is on a corrective work plan
24 specifically for Clovis Landfill. So it was a major
25 problem with their program that they are subject to a

1 work plan to correct.

2 COMMITTEE CHAIR PAPARIAN: Okay. Anything, Mr.
3 Washington?

4 COMMITTEE MEMBER WASHINGTON: Okay, just a
5 couple of questions.

6 For facilities that are in violation, how does
7 the LEA determine the compliance date for those
8 facilities?

9 MR. DE BIE: Mark De Bie with Permitting and
10 Inspection.

11 It will vary. You will have some LEAs that
12 give unilateral decision on, you know, what an
13 appropriate timeframe would be to come into compliance
14 for a particular standard based on their observation and
15 their understanding of what is available and what the
16 operator is able to do.

17 I think in most cases you'll have the LEA
18 sitting down with the operator to work out a compliance
19 timeframe based on available resources, available
20 equipment, those sorts of things to address these
21 issues, and then craft a compliance schedule based on
22 the results of that discussion.

23 COMMITTEE MEMBER WASHINGTON: Mark, is there a
24 standard time to fix these violations or it's just all
25 over the map?

1 MR. DE BIE: It's all over the map. Each site
2 is unique and different, and each solution will be, to
3 some extent, unique. There are some standard operating
4 practices or best management practices that would be
5 applied, but how they're applied to each particular site
6 and how effective they are is unique to that particular
7 site.

8 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

9 COMMITTEE MEMBER JONES: Mr. Chair. And I
10 think too that all of these notice and order facilities
11 that put together a compliance plan or a work plan are
12 reviewed by our Board staff, correct? Aren't all notice
13 and orders supposed to be delivered to the Board for
14 approval or for consultation?

15 MR. DE BIE: There is an obligation that the
16 LEA share the final order with us, and it's a common
17 operating practice that the LEA shares draft notice and
18 orders for our input.

19 But ultimately it's the LEA's call of what they
20 put in those notice and orders. We can't direct them to
21 do something, we can only indicate whether it's
22 consistent or inconsistent with state minimum standards,
23 and whether it's an appropriate strategy that they're
24 taking.

25 What we do have is the ability to, after that

1 order is issued, to indicate whether or not we feel that
2 appropriate enforcement action is being taken at that
3 site so, you know, if the LEA comes up with, for
4 example, an extended compliance schedule, we would
5 express concerns about that.

6 Certainly when we are reviewing the draft, if
7 they end up putting, placing that in the order and we
8 continued to have concerns, we would formally notice
9 them of those concerns relative to the appropriate
10 enforcement action aspect in the enforcement regs, and
11 then they would need to respond to us in writing about
12 why they felt that was appropriate.

13 If they failed to do that, we would give them a
14 second notice, and they would be required to come in
15 front of this Board and explain their actions.

16 COMMITTEE MEMBER JONES: Before it ever got
17 there, all of these notice and orders were reviewed for
18 comment by our staff, and I think that's important for
19 the members to know because it kind of sounded like it
20 was the LEA's, and it is the LEA's, but Board staff has
21 plenty of input into that.

22 So that should give us a sense of assuredness
23 that we're on the way.

24 COMMITTEE MEMBER PEACE: I have one more
25 question, maybe Mark or Scott can answer this.

1 On the chart here on page 20-7 it's the
2 inventory, 297 chart, total facilities listed on the
3 inventory, it shows that from '97 down to '92 we've been
4 going down, down, down, which is great, and then the
5 last year they spiked back up with the number of
6 facilities that are on the inventory.

7 Is that any concern to the department or P&E
8 department?

9 MR. DE BIE: The level of the spike is not of
10 concern. We haven't really sat down to analyze why it's
11 gone up, why we see an increase over the last few
12 years. We could speculate and make some assumptions.

13 One that I would offer first is that our
14 training and outreach to LEAs and operators is being
15 effective in finetuning their ability to identify issues
16 and be consistent in identifying those issues.

17 In the past we had some sites that would come
18 in and out of compliance with the LEA noticing
19 violations, and then areas of concern, and then
20 violations. I think that practice has ceased because of
21 the enforcement regs, and our ability to inform the LEA
22 relative to appropriate enforcement action.

23 I think part of the spike too is relative to
24 some of those sites with the closure plan issues. The
25 majority of them were placed because of those, and it

1 did take some time, as Leslee was explaining, to get the
2 funding to the operator so they could address those
3 closure plans.

4 So I think if you, if we did break down those
5 violations, they would be the paperwork ones and not
6 necessarily ones like gas or litter or those kinds of
7 issues that resulted in that spike.

8 COMMITTEE MEMBER PEACE: Thank you.

9 COMMITTEE CHAIR PAPARIAN: Okay. Last item.

10 MR. WALKER: Thank you. Item I is a report to
11 the Board on enforcement orders issued by local
12 enforcement agencies from August, 2002, through
13 February, 2003, and discussion of cease and desist
14 orders, information item.

15 And again, the Board's legal office needs a
16 little more time to prepare for the more information on
17 cease and desist orders, so we will be deferring that to
18 our May 8th workshop.

19 Another point I'd like to make too is that
20 we're continuing to work on the item format in terms of
21 the availability of the actual orders for review by the,
22 observing by the public. We're looking at our Internet,
23 our website, our Web link to make it a little bit
24 better, and also have it so that we don't have this huge
25 quantity of copies that we need to deal with in terms of

1 Board packets.

2 So we thought we were going to be ready this
3 time to upgrade that, but it's going to be the next time
4 we come. But we're going to improve the accessibility
5 of this information to the public so that they can tap
6 on our website more easier to be able to see these
7 orders.

8 So with that, Suzanne Hambleton will give the
9 staff presentation.

10 MS. HAMBLETON: Thank you and good afternoon.

11 The Board has requested that staff report on
12 all enforcement orders that have been issued by LEAs
13 throughout the state. This will be the fourth update.
14 The other updates were presented in November of 2001,
15 April of 2002, and September of 2002. So we're updating
16 you about twice a year.

17 At this point I'd like to say that there were
18 thirteen old orders that we've been tracking, and six of
19 these have come into compliance, and seven of them we've
20 been monitoring.

21 In addition to that, there have been 28 new
22 orders that were issued between February -- I'm sorry,
23 between July 12th, 2002, and February 28th, 2003. And
24 of these, seven have come into compliance.

25 We'll be updating you, at our next update we'll

1 be telling you about the monitoring of the 21 new
2 orders.

3 Now, at this point I can give you a detailed
4 information about the seven orders that are still
5 pending compliance, or I can take questions about
6 anything that you've read in the item, it's up to you.

7 COMMITTEE CHAIR PAPARIAN: Yeah, I think we can
8 just see if there's any questions.

9 Questions, members?

10 COMMITTEE MEMBER PEACE: I guess there's this
11 one on Sunset. How is it that they finally got below
12 their ten percent residual limit?

13 MS. HAMBLETON: Sunset I believe was, the
14 permit was issued -- it was last month, so actually I
15 don't know how to answer that.

16 MR. DE BIE: They never did get under their ten
17 percent, and the solution that was established was to
18 get a transfer station permit. So they are fully
19 permitted as a transfer station now as opposed to a
20 recycling center, and so because of that they're now in
21 compliance with the order.

22 COMMITTEE MEMBER PEACE: Okay.

23 COMMITTEE CHAIR PAPARIAN: Okay. Any other
24 questions? Okay.

25 So the other part of this item, the more policy

1 related part of item will come back at the May 8th
2 workshop?

3 MR. WALKER: Correct.

4 COMMITTEE CHAIR PAPARIAN: Okay. Anything else
5 that we need to deal with?

6 Nope. Mr. Jones, we just finished the --

7 COMMITTEE MEMBER JONES: Yup.

8 COMMITTEE CHAIR PAPARIAN: -- last item and
9 we're ready to adjourn.

10 Is there anything else?

11 We're adjourned for the day. Thank you.

12 (Thereupon the foregoing was concluded
13 at 12:44 p.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

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3 I, DORIS M. BAILEY, a Certified Shorthand
4 Reporter and Registered Professional Reporter, in and
5 for the State of California, do hereby certify that I am
6 a disinterested person herein; that I reported the
7 foregoing proceedings in shorthand writing; and
8 thereafter caused my shorthand writing to be transcribed
9 by computer.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said proceedings, nor
12 in any way interested in the outcome of said
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 as a Certified Shorthand Reporter and Registered
16 Professional Reporter on the 15th day of April, 2003.

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19

Doris M. Bailey, CSR, RPR, CRR

20 Certified Shorthand Reporter

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